

[Attorneys On Next Page]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GIGANEWS, INC., a Texas
corporation; and LIVEWIRE
SERVICES, INC., a Nevada
corporation,

Plaintiffs,

v.

PERFECT 10, INC., a California
corporation; NORMAN ZADA, an
individual; and DOES 1-50, inclusive,

Defendants.

Case No.: 2:17-cv-05075-AB (JPR)

DISCOVERY MATTER
Before Hon. Jean P. Rosenbluth

**JOINT STIPULATION REGARDING
PLAINTIFFS' MOTION TO COMPEL
INTERROGATORY RESPONSES,
PRODUCTION OF DOCUMENTS,
AND CONTINUED DEPOSITIONS OF
NORMAN ZADA AND PERFECT 10
(LOCAL RULE 37-2)**

Date: September 10, 2018
(Per Court Order, Dkt. 60)
Time: 10:00 am
Courtroom: 690, 255 E. Temple St.,
Los Angeles, CA 90012

Discovery Cut-off: Sept. 10, 2018
Trial Date: January 15, 201

JOINT STIPULATION RE PLAINTIFFS'
MOTION TO COMPEL

CASE No.: 2:17-cv-05075-AB (JPR)

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1 **I. INTRODUCTION**

2 The parties submit this joint stipulation on Plaintiffs Giganews and
3 Livewire's motion to compel further interrogatory responses, production of
4 documents, and deposition testimony of Norman Zada. Civ. L. R. 37-2. The
5 parties conducted a conference of counsel by telephone on June 26, 2018, and on
6 the record at the depositions of Norman Zada and Perfect 10 on July 11, 2018. As
7 Local Rule 37-2.1 requires, Plaintiffs attach a copy of the Court's scheduling order
8 and recent order amending the schedule as Exhibits A and B to the Declaration of
9 Todd Gregorian ("Gregorian Decl."), which accompanies this joint stipulation.

10 Fact discovery currently closes on September 10, 2018 and expert discovery
11 closes on October 29, 2018.

12 **A. Plaintiffs' Preliminary Statement**

13 As the Court is aware, Plaintiffs in this case seek to recover cash and assets
14 that Perfect 10's CEO Norman Zada transferred from Perfect 10 to himself to avoid
15 paying the Court's \$5+ million¹ fee award in *Perfect 10 v. Giganews*, C.D. Cal. No.
16 CV 11-7098 ("Related Case"). Zada took \$850,000 out of Perfect 10's bank
17 account immediately after the District Court granted summary judgment. *See*
18 *Related Case*, Dkt. 802 at 3. He "bought" Perfect 10's physical assets, nominally
19 paying in cash, but then he continued to transfer that cash indiscriminately between
20 Perfect 10 and his personal accounts. Zada testified that he did so to avoid
21 enforcement of the Court's judgment and the resulting "interference" with Perfect
22 10's business.

23 On July 19, 2018, the Court heard Defendants' motion to compel and for
24 protective order, which it largely granted. *See* Dkts. 45-1 ("1st MTC"), 52
25 ("Order"). The motion sought documents related to Perfect 10 and Zada's
26 liabilities. But the Court provided additional guidance in an attempt to head off

27
28 ¹ The District Court awarded approximately \$5.6 million; with an award of appellate
fees by the Ninth Circuit, the award has climbed to approximately \$6.5 million.

1 future disputes, specifically that Plaintiffs “are entitled to a complete statement of
2 [Zada’s] accounts,” and “an accounting of all of his assets.” Gregorian Decl. Ex. C
3 (“Hearing Transcript”) at 18:4–16.

4 Defendants largely ignored the Court’s guidance and made a minimal
5 production in response to its order. Giganews and Livewire therefore seek the
6 Court’s further assistance with these disputes:

7 1. ***Ordering complete responses to Giganews’s interrogatories and***
8 ***production of asset information.***

9 Plaintiffs’ first motion to compel set forth the reasons why Defendants’
10 financial information, including about their assets, is relevant. *See* Dkt. 45-1 at 9–
11 11. The Court agreed, saying: “I do think you’re entitled to an accounting of all of
12 his assets. And so if to the extent that would help forestall any future motion work,
13 I’ll make that clear because I’m going to say that you are entitled to it I think.”
14 Hearing Transcript at 18:11–15. Defendants have persistently refused to provide all
15 documents regarding funds and assets that are nominally Zada’s, despite the
16 Court’s clear instructions. *See* Order at 1; Hearing Transcript at 24:14–22.

17 Defendants also provided inadequate interrogatory responses regarding their
18 asset transfers. Plaintiffs bear the burden to show that Perfect 10 received
19 inadequate value in exchange for the transfers. To do so, they must know which
20 assets Defendants transferred. But Defendants have provided only generic
21 descriptions, such as “desks” or “computers” that are designed to preclude further
22 assessment of their value.

23 2. ***Compelling additional deposition time that Zada squandered and***
24 ***ordering him to answer questions about his assets.***

25 Mr. Zada appeared for a deposition on July 11 in both his individual capacity
26 and as a representative for Perfect 10. Plaintiffs agreed to have the depositions run
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1 concurrently for the sake of efficiency, but they reserved the right to full time for
2 both depositions.

3 Zada arrived almost an hour late. Gregorian Decl. ¶ 13, Exs. I–K. He
4 refused to answer questions about his assets based on objections the Court has now
5 rejected. He also wasted extensive time on the record, taking a phone call, giving
6 long non-responsive speeches about the copyright case, and insulting Plaintiffs and
7 their attorneys. The Court should grant Giganews and Livewire leave to take an
8 additional four hours of Mr. Zada and Perfect 10’s testimony; order Mr. Zada and
9 Perfect 10 to pay the court reporter, videographer, and location expenses of the
10 additional deposition time; and compel Zada to give responsive answers to the
11 questions he refused to answer.

12 **B. Defendants’ Preliminary Statement**

13 Plaintiffs have failed to include Defendants Amended responses or
14 acknowledge Dr. Zada’s extensive document production which they received on
15 August 1, 2018. Declaration of Matt Mickelson (“Mickelson Decl.”) ¶¶ 3-4, Exs.
16 1-5. In order to avoid further motion practice, Dr. Zada went way beyond the
17 Court’s July 19 order. He produced not only documents regarding his liabilities,
18 but assets as well. For example, he produced all statements for his personal Bank
19 of America accounts 0277, and 4569 from 2013 to 2018, all banking reconciliation
20 statements that he could locate, all quickbooks statements that he could locate, and
21 virtually all pages of brokerage statements from 2013-2018 (with the exception of
22 certain pages that list stock positions that Dr. Zada considers trade secret that
23 Plaintiffs have no need for). He produced all related documents for Perfect 10
24 through 2018 as well. Declaration of Norman Zada (“Zada Decl.”) ¶ 2, Ex. 1.
25 Plaintiffs know this, yet they falsely claim that “Defendants largely ignored the
26 Court’s guidance and made a minimal production in response to its order,” and
27 “Defendants have persistently refused to provide all documents regarding funds and
28

1 assets that are nominally Zada's despite the Court's clear instructions." Those are
2 intentional mistruths, designed to poison the Court.

3 An examination of what Plaintiffs claim was a "meet and confer" (Exhibit D
4 to the Gregorian Declaration) shows that there was never any meet and confer with
5 regard to a privilege log, documents in native format, a second round of a
6 deposition of Dr. Zada, or specific RFPs. The only thing that Plaintiffs properly
7 met and conferred on was their interrogatory requests. The first letter on June 18,
8 2018, discusses solely interrogatory responses. It does discuss statements from
9 Chase, Wells Fargo Advisors, etc. but those have been produced from 2013 to
10 2018. None of the current RFPs were discussed in that letter. The second letter
11 only discusses interrogatories as well.²

12 We would respectfully request that the Court follow the rules regarding meet
13 and confers, and deny Plaintiffs motion with respect to all requests for which it is
14 clear that they did not meet and confer. Because it is clear that Plaintiffs did not
15 meet and confer with respect to a privilege log, documents in native format, and a
16 second deposition of Dr. Zada, we believe that those requests must be denied. It is
17 also very clear from Exhibit D that Plaintiffs did not mention any of the RFPs
18 discussed in their motion. In other words, Defendants had no opportunity to reduce
19 the size of the motion, to reduce the Court's burden, which is exactly why parties
20 are supposed to meet and confer. For that reason, Plaintiffs RFP requests must be
21 denied as well.

23 ² Plaintiffs' counsel raised the issue of Defendants' responses to the Request for
24 Production during a telephone conversation on June 26. At that point, no
25 documents had been produced. Since that date, Defendants have made multiple
26 substantial document productions, the first on July 2, and the second on August 1, a
27 week before Defendants received this joint stipulation, and several since. Given
28 that a large document production was forthcoming on July 2, one which would
provide many of the documents requested by Plaintiffs, the June 26 date was far too
early to have any sort of meaningful meet and confer regarding requests for
production. (See Mickelson Decl. ¶ 2.)

1 Plaintiffs did not identify anything until August 15th that inadvertently had
2 not been produced. When they brought those items to Defendants' attention, they
3 were immediately produced. Zada Decl. ¶ 2, Ex. 1.

4 What Plaintiffs appear to be doing, is simply requesting documents for all
5 requests for which Defendants made a privacy objection, even if the request was
6 already answered (See for example RFP 63), without explaining why the privacy
7 objection should be waived, or meeting and conferring. This is highly improper, as
8 it wastes the Court's time, Defendants' time, and simply racks up legal bills.

9 With respect to an additional deposition of Dr. Zada at his expense, we
10 believe that this is highly inappropriate for multiple reasons. First, Plaintiffs never
11 met and conferred on the matter. Second, it was Plaintiffs who ended the
12 deposition early. Dr. Zada was very responsive in his answers and even admitted
13 that he owned 17 ounces of gold and had between \$50,000 and \$100,000 in cash in
14 his safe. Zada Decl. ¶ 8, Ex. 3. Dr. Zada also identified the physical assets that he
15 purchased from Perfect 10 in detail. Zada Decl. ¶ 8, Ex. 3. Plaintiffs spent a
16 significant amount of time asking Dr. Zada about his and Perfect 10's assets. There
17 is nothing more to add, especially now that all documents concerning Dr. Zada's
18 assets have been produced. Finally, we believe that Plaintiffs request is also highly
19 inappropriate given that they asked the Court to prevent Defendants from deposing
20 the one person Defendants sought to depose, and succeeded in that request.

21 Plaintiffs are continuing to smear Dr. Zada by contending with no cite to
22 evidence, that Zada testified that he removed money "to avoid enforcement of the
23 Court's judgment." No cite is provided because no cite exists. *Plaintiffs just made*
24 *up the claim.* It should be noted that Dr. Zada and Perfect 10 offered to pay
25 Plaintiffs \$ 2 million in cash with a \$3.819 million first trust deed on Dr. Zada's
26 home days after the \$5.63 million award was entered. If Dr. had truly intended to
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1 keep the \$1.75 million as Plaintiffs claim, he would never have offered \$4 million
2 more than that when Plaintiffs actually became creditors.

3 It is also not true that Defendants provided “only generic descriptions, such
4 as ‘desks’ or ‘computers.’ Dr. Zada specifically described his desk and couch as
5 being purchased in 2000 for around \$10,000 and \$8,000 respectively, with values
6 he estimates today of \$3,000 and \$2,000. He doesn’t have the receipts. Zada Decl.
7 ¶ 8, Ex. 3. What more can he do?

8 Defendants request that the Court review Defendants’ actual production and
9 their amended responses before making any order. We will be providing the Court
10 with a drive at the hearing which contains all of the documents that were produced.
11 If the Court concludes that Plaintiffs have completely mischaracterized Defendant’s
12 production and responses, it should not grant any portion of the motion.

13 Discovery requests and responses at issue³

14 **II. DISCOVERY REQUESTS AND RESPONSES AT ISSUE⁴**

15 **A. Giganews’s Second Set of Interrogatories to Perfect 10 and** 16 **Norman Zada.**

17 **1. Interrogatory Nos. 3 and 4**

18 **Interrogatory No.3**

19 Identify all physical assets owned or otherwise controlled by Perfect 10
20 (including , but not limited to furniture, electronics, computer hardware,
21 photographic equipment, real property, and automobiles) at any time from January
22 1, 2011 to the present, including: (a) the current owner of the assets and (b) all
23 circumstances regarding the receipt, acquisition, transfer or disposition of the asset,

24 _____
25 ³ Plaintiffs served identical interrogatories and requests for production on Zada and
26 Perfect 10. Defendants’ responses are almost identical, but vary in some respects,
and appear to contradict each other in others. Plaintiffs include [*bracketed sections*]
to identify these differences. See Gregorian Decl. Exs. O and P.

27 ⁴ Plaintiffs served identical interrogatories and requests for production on Zada and
28 Perfect 10. Defendants’ responses are almost identical, but vary in some respects,
and appear to contradict each other in others. Plaintiffs include [*bracketed sections*]
to identify these differences. See Gregorian Decl. Exs. O and P.

1 including the amount of any consideration exchanged for the assets, the date of the
2 exchanges, and the parties to the exchanges.

3 **Perfect 10's Response to Interrogatory No. 3**

4 Perfect 10 incorporates the General Objections as set forth above herein.

5 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
6 oppressive, compound and overbroad. Perfect 10 further objects to this
7 interrogatory on the grounds that it seeks information not relevant to the subject
8 matter of the action, and not reasonably calculated to lead to the discovery of
9 admissible evidence. Perfect 10 further objects that this information is already in
10 the possession of Plaintiffs.

11 Subject to the above specific objections and Perfect 10's general objections,
12 Perfect 10 responds as follows:

13 *[Perfect 10 has had a very limited number of physical assets at any time from*
14 *January 1, 2011 onward. Perfect 10 is not aware of any significant change in the*
15 *physical assets owned by Perfect 10 between January 1, 2011 and March 2015*
16 *when Dr. Zada purchased most of Perfect 10's minimal physical assets for \$70,000.*
17 *When that transfer took place, the only physical assets which Dr. Zada is certain*
18 *belonged to Perfect 10 were approximately 4,000 magazines, some tapes and*
19 *DVDs, some film, a few hats, T-shirts, and other physical assets that Perfect 10 sold*
20 *on its website. When Dr. Zada purchased the majority of Perfect 10's other*
21 *physical assets, such as computers, beds, and desks, he assumed those assets*
22 *belonged to Perfect 10 even though he was not certain if that was the case.]*

23 At the very maximum, the physical assets owned by Perfect 10, which were
24 transferred to Dr. Zada for two payments totaling \$70,000, \$20,000 on March 25,
25 2015 and \$50,000 on April 1, 2015, were the following: 4000 Perfect 10
26 Magazines, 300 DVDs or tapes, 100 T-shirts, 50 hats, 3 bed sets, two desks, six
27 small computers and one larger computer, a scanner, a sofa, some chairs, five
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1 printers, and miscellaneous office supplies. *[To the best of Dr. Zada's recollection,*
2 *the 2009 Lexus was leased by Perfect 10 from 2009 to approximately April of 2012.*
3 *When the lease expired, instead of returning the car, Dr. Zada purchased it and*
4 *transferred it into his name. Because Bruce Hersh, Perfect 10's accountant, was*
5 *not informed of this transaction, he mistakenly continued to list the Lexus as a*
6 *Perfect 10 asset even though it belonged to Dr. Zada as of April of 2012.]* Dr. Zada
7 did not purchase the Perfect 10's primary assets, which were its film and
8 trademarks, which were worth at least \$11.5 million to Perfect 10. Those primary
9 assets were provided to Plaintiffs, along with some desks and chairs and other
10 office furniture, which Plaintiffs' receiver elected not to take.

11 **Zada's Response to Interrogatory No. 3**

12 Dr. Zada incorporates the General Objections as set forth above herein.

13 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
14 oppressive, compound and overbroad. Dr. Zada further objects to this interrogatory
15 on the grounds that it seeks information not relevant to the subject matter of the
16 action, and not reasonably calculated to lead to the discovery of admissible
17 evidence. Dr. Zada further objects that this information is already in the possession
18 of Plaintiffs. *[Dr. Zada further objects to this interrogatory on the ground that it*
19 *invades his privacy and is prohibited by California Civil Code section 3295.]*

20 Subject to the above specific objections and Perfect 10's general objections,
21 Dr. Zada responds as follows:

22 *[Dr. Zada owns the house at 11803 Norfield Court, which was purchased in*
23 *or around November of 2010. He purchased a rental property at 4572 Martson, in*
24 *or around June 2015, to generate some income. He purchased his 2009 Lexus in*
25 *April of 2012 from Lexus when the lease agreement expired, for to the best of his*
26 *recollection, approximately \$33,000. In March-April of 2015, Dr. Zada purchased*
27 *from Perfect 10, some furniture and computers and other physical items for a total*
28

1 of \$70,000. Those items included his desk, his bed, his computers, the couch in his
2 home, that would have been disruptive to have the receiver take, and which the
3 receiver probably would not have wanted, as the receiver turned down other
4 furniture. Dr. Zada also purchased approximately 4,000 magazines and some
5 videos and other items that are discussed in more detail below. He did so because
6 he believed that Perfect 10 would win its appeal and he needed those items to
7 revive Perfect 10's business when that happened.]

8 At the very maximum, the physical assets owned by Perfect 10, which were
9 transferred to Dr. Zada for two payments totaling \$70,000, \$20,000 on March 25,
10 2015 and \$50,000 on April 1, 2015, were the following: 4000 Perfect 10
11 Magazines, 300 DVDs or tapes, 100 T-shirts, 50 hats, 3 bed sets, two desks, six
12 small computers and one larger computer, a scanner, a sofa, some chairs, five
13 printers, and miscellaneous office supplies. Dr. Zada did not purchase the Perfect
14 10's primary assets, which were its film and trademarks, which were worth at least
15 \$11.5 million to Perfect 10. Those primary assets were provided to Plaintiffs, along
16 with some desks and chairs and other office furniture, which Plaintiffs' receiver
17 elected not to take. [Dr. Zada objects to any further description of this physical
18 assets, which are minimal in value but substantial in size (such as the books he
19 owns), invades his privacy, and is [sic] irrelevant to this case.]

20 **Interrogatory No. 4**

21 Identify all intangible assets owned or otherwise controlled by Perfect 10
22 (including, but not limited to furniture, electronics, computer hardware,
23 photographic equipment, real property, and automobiles) at any time from
24 January 1, 2011 to the present, including (a) the current owner of the assets and (b)
25 all circumstances regarding the receipt, acquisition, transfer or disposition of the
26 assets, including the amount of any consideration exchanged for the assets, the
27 dates of the exchanges, and the parties to the exchanges.

1 **Perfect 10's Response to Interrogatory No. 4**

2 Perfect 10 incorporates the General Objections as set forth above herein.

3 Perfect 10 objects to this interrogatory on the grounds that it is inherently
4 contradictory, as furniture is not an "intangible asset." Perfect 10 further objects to
5 this interrogatory on the grounds that it seeks information not relevant to the subject
6 matter of the action, is compound, and is not reasonably calculated to lead to the
7 discovery of admissible evidence. Perfect 10 further objects that this information is
8 already in the possession of Plaintiffs.

9 Subject to the above specific objections and Perfect 10's general objections,
10 Perfect 10 responds as follows: *[As it understands the meaning of the term*
11 *"intangible," Perfect 10 is not aware of any "intangible assets" owned by Perfect*
12 *10, other than a loan to Sean Chumura and Perfect 10's trademarks and*
13 *copyrights. By Perfect 10's estimation, to replicate those trademarks and*
14 *copyrights would cost at least \$11.5 million. Any intangible assets would be listed*
15 *in Perfect 10's detailed financial statements, which are in Plaintiffs' possession.]*

16 **Zada's Response to Interrogatory No. 4**

17 Dr. Zada incorporates the General Objections as set forth above herein.

18 Dr. Zada objects to this interrogatory on the grounds that it is inherently
19 contradictory, as furniture is not an "intangible asset." Dr. Zada further objects to
20 this interrogatory on the grounds that it seeks information not relevant to the subject
21 matter of the action, is compound, and is not reasonably calculated to lead to the
22 discovery of admissible evidence. Dr. Zada further objects that this information is
23 already in the possession of Plaintiffs. *[Dr. Zada further objects to this*
24 *interrogatory on the ground that it invades his privacy and is prohibited By*
25 *California Civil Code section 3295.]*

26 Subject to the above specific objections and Perfect 10's general objections,
27 Dr. Zada responds as follows: *[Dr. Zada will produce documents sufficient to show*
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1 *that he did not have sufficient cash to pay \$5.63 million when the award was*
2 *entered in March of 2015. Those documents will include his personal 2014, 2015,*
3 *and 2016 tax returns. His 2014 tax return lists total taxable interest of \$1,534 and*
4 *dividends of \$4,778, from four accounts: Bank of America, Chase, Wells Fargo*
5 *Advisors, and Morgan Stanley. Dr. Zada also had approximately \$20,000 in a*
6 *Putnam account. Dr. Zada will also provide copies of those accounts for the month*
7 *of December, 2014. Together, those statements show that at the end of December*
8 *2014, Dr. Zada had approximately \$1,507,000 at Chase, approximately \$1,057,000*
9 *at Morgan Stanley, approximately \$535,000 at Wells Fargo Advisors, and*
10 *approximately 1,153,000 at bank of America, while Perfect 10 had approximately*
11 *\$263,734 at Bank of America. In other words, between Perfect 10 and Dr. Zada,*
12 *they had about \$4.5 million in cash and cash equivalents, not enough to pay \$5.891*
13 *million.*

14 *Dr. Zada will also provide his Amex statements from January 2014 through*
15 *January of 1017 [sic], and certain other credit card statements in response to RFP*
16 *6.*

17 *Dr. Zada objects to the production of any additional documents as they*
18 *violate his privacy and are irrelevant to this case.]*

19 **Giganews's and Livewire's Position**

20 These interrogatories asked Defendants to identify their physical and
21 intangible assets, including who currently owns each asset; all circumstances
22 surrounding Defendants' receipt of the asset, acquisition, transfer, or disposition of
23 the asset; and dates of any consideration exchanged for each asset. The Court has
24 ruled that the relevant time period for this case is beginning January 1, 2013, and
25 Plaintiffs agree to limit these requests to that time period.

26 Perfect 10 and Zada must identify their assets with the particularity the
27 interrogatory demands; it is not their prerogative to cherry-pick which items to
28

1 disclose. Perfect 10's response states that it had "very limited" relevant assets since
2 2011 and contains a general reference to "other physical assets that Perfect 10 sold
3 on its website." Mr. Zada's responses specifically acknowledge the existence of
4 assets that he has not identified, and he commits to produce only documents
5 "sufficient to show" information for specific accounts in 2015. In other words,
6 Defendants again offered selected information that they found convenient to
7 disclose, rather than disclosing all of the reasonably available information in their
8 possession, custody, or control.

9 Defendants objected to nearly all of the interrogatories on similar grounds.
10 To avoid repetition, Plaintiffs address these objections here, and incorporate these
11 arguments for the other interrogatories as appropriate:

12 **The Court has already overruled any "privacy" objections to disclosure of**
13 **Defendants' financial information.**

14 Perfect 10 and Norm Zada continue to rely on a privacy objection that the
15 Court has rejected. The Court stated at the July 19 hearing that "[Plaintiffs are]
16 entitled to an accounting of all of [Zada's] assets. And so if to the extent that would
17 help forestall any future motion work, I'll make that clear because I'm going to say
18 that [Plaintiffs] are entitled to it." Hearing Transcript at 18:4-16. The Court also
19 specifically discussed Zada's "privacy" objection:

20 MR. MICKELSON: And that wasn't produced on privacy
21 grounds.

22 THE COURT: All right, well there is a protective order in
23 this case. And that is the heart of what this case is about, you know,
24 the nonpayment of the judgment which, you know, is final by every
25 definition of the word, and so [Plaintiffs] have a right to get whatever
26 information they need to determine—given the allegations of the
27 complaint, which Judge Birotte has already held state[s] a claim, you
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1 know, they are entitled to pursue this—these theories about
2 transferring back and forth and etcetera, etcetera. *So you have to turn*
3 *over that stuff.*

4 *Id.* at 20:12–21:2 (emphasis added). The Court further explained that its “tentative
5 position without having seen full briefing on it, is that [Plaintiffs] would be entitled
6 to view his assets too.” *Id.* at 28:13-17. In other words, the Court clearly stated
7 that it would not allow Defendants to withhold broad swaths of relevant financial
8 information on “privacy” grounds.

9 Plaintiffs’ original motion to compel explained at length why privacy
10 objections are inappropriate here, where Zada himself is accused of financial fraud
11 that involves moving Perfect 10 funds and assets into his accounts. 1st MTC at
12 10–13, citing *Evans v. DSW, Inc.*, No. CV 16-3791-JGB (SPx), 2017 WL 9480800,
13 at *5 (C.D. Cal. Aug. 24, 2017); *Tatung Co. v. Hsu*, No. SA CV 13-1734-DOC
14 (ANx), 2015 WL 11116906, at *3 (C.D. Cal. Feb. 12, 2015); *Ashmore v. Dodds*,
15 No. 8:15-cv-00561-JMC, 2015 WL 6445985, at *4 (D.S.C. Oct. 23, 2015). Here,
16 “the gravamen of the lawsuit is inconsistent with the application of [any privacy]
17 privilege because the [information] sought may verify or contradict [Defendants’]
18 claims.” *Barrous v. BP P.L.C.*, No. C 10-2944 LHK PSG, 2011 WL 1431826, at
19 *4 (N.D. Cal. Apr. 14, 2011). The Court has already entered such a protective
20 order, which addresses privacy concerns. *See* Hearing Transcript at 20:12–21:2.

21 **Defendants’ attempts to rely on their document production are improper and**
22 **inadequate.**

23 Perfect 10 and Zada tried to avoid identifying their assets by generally
24 referring to their document production or to poorly identified subsets. (Some of
25 these references are in the responses themselves; Defendants’ counsel made others
26 during the conference for the motion.) These are improper.

27 A Rule 33(d) response is appropriate only if “the burden of deriving or
28 ascertaining the answer will be substantially the same for either party.” *See* Fed. R.
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1 Civ. P. 33(d); see also *O’Conner v. Boeing of N.A., Inc.*, 185 F.R.D. 272, 277 (C.D.
2 Cal. 1999) (internal citations omitted). The responses must specify “the records
3 that must be reviewed, in sufficient detail to enable the interrogating party to locate
4 and identify them as readily as the responding party could.” Fed. R. Civ. P. 33(d);
5 see also *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada Inv. Corp.*, 711 F.2d
6 902, 906 (9th Cir. 1983); *West v. Ultimate Metals Co.*, No. 13-cv-3651-WHO
7 (MEJ), 2014 WL 466795, at *2 (N.D. Cal. Feb. 3, 2014).

8 Defendants’ responses fail to satisfy their obligations. They identify no
9 specific documents by Bates number. See Resp. to Rog. No. 4 (“[a]ny intangible
10 assets would be listed in Perfect 10’s detailed financial statements, which are in
11 Plaintiffs’ possession”). And even if Defendants had identified their financial
12 records specifically, the burden to ascertain the responsive information remains
13 unequal. The financial records contain numerous entries that Plaintiffs do not
14 understand and cannot confirm without deposition testimony from Defendants.
15 Defendants, by contrast, know what those entries represent. Defendants may not
16 refer to “thousands of pages of documents” in response to an interrogatory that goes
17 “to the core of [a plaintiff’s] . . . claim[s].” *Reinsdorf v. Sketchers U.S.A., Inc.*, No.
18 CV 10-7181 DDP (SSx), 2012 WL 12882125, at *2–4 (C.D. Cal May 11, 2012);
19 see also *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 323 (C.D.
20 Cal. 2004). The Court should reject Defendants’ attempt to rely on 33(d) and order
21 complete, verified responses.

22 **Defendants’ time limitation is arbitrary and improper.**

23 Defendants refused to identify assets they have possessed since 2015, and
24 they limited their production accordingly. See Gregorian Decl. ¶ 5, Ex. D. The
25 Court has indicated that the relevant period for examination of Defendants’
26 liabilities is from 2013 to the present.

1 The same time period should apply to Defendants' assets, transfers, and other
2 financial interests, because they relate to the same inquiries: Perfect 10's solvency,
3 the true ownership of various assets, and identification of any indirect or concealed
4 fraudulent transfers between Defendants.

5 **Defendants' Position**

6 Plaintiffs have failed to include Defendants amended discovery responses
7 which make clear that Dr. Zada made a major effort to produce all his personal
8 financial documents from 2013 through 2018. They received a major production of
9 those documents on August 1, 2018, a week before filing their joint stip, and have
10 received more since. Because of Defendant's extensive production of virtually all
11 of Dr. Zada's most personal financial information from 2013 through 2018, the vast
12 majority of Plaintiffs' complaints here are moot. Zada Decl. ¶ 2, Ex. 1. The only
13 conclusion to be drawn from Plaintiffs obstinate insistence on filing a motion to
14 compel is that, once again, they are attempting to manufacture a discovery dispute
15 to poison Judge Birotte against Defendants. To the best of his knowledge, Dr.
16 Zada has produced all documents regarding his personal assets, and there is nothing
17 else responsive for Dr. Zada to produce.⁵ Zada Decl. ¶ 2, Ex. 1. Plaintiffs falsely
18 claim that "Mr. Zada's responses specifically acknowledge the existence of assets
19 that he has not identified, and **he commits to produce only documents 'sufficient**
20 **to show' information for specific accounts in 2015."** Plaintiffs know that isn't
21 true because Dr. Zada produced virtually all bank statements and brokerage
22 statements from 2013 through 2018 by August 1, and has since added a few missed
23 pages to make the production complete. For example, Dr. Zada produced chase
24

25 ⁵ In a few instances Dr. Zada produced pages sufficient to show the value of the
26 account but did not include the actual stocks positions for trade secret reasons.
27 While Plaintiffs may be entitled to see the value of Dr. Zada's brokerage accounts,
28 there is no reason why they need to see what stocks he holds or what trades he
makes, and Defendants will appeal any order that requires him to disclose that
information. (See Zada Decl. ¶ 2, Ex. 1)

1 statements as “chase added 2013-2018,” and his personal bank statements as “BOA
2 NZ 2015-2018.” Defendants will bring a thumb drive with all the responsive
3 documents on it to the hearing so that the Court can confirm this for itself. Zada
4 Decl. ¶ 2, Ex. 1. Plaintiffs also falsely claim that “Defendants objected to nearly
5 all the interrogatories on similar grounds.” They did not include Defendants
6 amended responses in their portion of the joint stip, which make clear that
7 Defendants produced all responsive documents. (Mickelson Decl. Exh. 1-5.) The
8 simple fact is that Dr. Zada produced virtually all of his personal statements from
9 2013 to 2018 by August 1 to avoid further motion practice but here we are again.
10 Defendants’ claims that Dr. Zada did not describe all of his assets in his deposition
11 are false. For example, Dr. Zada testified that he had 17 ounces of gold and
12 somewhere between \$50,000 and \$100,000 in his safe. Zada Decl. ¶ 8, Ex. 3. He
13 also described the assets that he purchased from Perfect 10 to the best of his ability
14 and in detail. Zada Decl. ¶ 8, Ex. 3.

15 Between his deposition transcript, his interrogatory responses, and his
16 document productions, Dr. Zada has presented all of the information regarding his
17 assets that he has. Zada Decl. ¶¶ 3, 5. In his deposition, he stated, “I’m going to
18 tell you again, three bed sets purchased in 2000 for around 2,000 each, a desk
19 purchased in 2000 for around 10,000, a couch purchased in 2000 for around 8,000,
20 a scanner purchased in 2004 for around 8,000. Some small computers that were
21 purchased - - I don’t know when exactly, but they were not new, somewhere I’m
22 saying between 2006 and 2010. One larger computer that was purchased I think for
23 around seven thousand. And then some - - a couple of small printers, some pens
24 and paper – you know that kind of stuff. There was really not much there.” Zada
25 Decl. ¶ 8, Ex. 3. The physical assets are also described in the interrogatory
26 responses. (See response to Interrogatory 3).

1 Next, Plaintiffs attempt to make an issue about Bates Numbers. They
2 provide no case law supporting the assertion that a response to an interrogatory
3 under Rule 33(d) requires specific reference to Bates Numbers, because none exists
4 (indeed there is not even a requirement to Bates Number documents in the Federal
5 Rules. *(See Franco-Gonzalez v. Holder*, No. CV 10-2211-DMG DTBX, 2013 WL
6 8116823, at *2 (C.D. Cal. May 3, 2013)) But the more important point here is that
7 Defendants' reference to the documents produced as a whole is absolutely
8 appropriate in the context of Plaintiffs' vast demands for information. Plaintiffs in
9 their interrogatories demand a list of each and every single dollar or item of value
10 ever owned by Dr. Zada or Perfect 10, from 2011 on (now narrowed by the Court to
11 2013 on.) The appropriate response to such a request is to produce, in date order,
12 the bank and brokerage statements which encapsulate that information sought.
13 Reference to specific Bates Numbers is not needed because all of the responding
14 documents provide the information sought by Plaintiffs, which is the natural
15 consequence of a request that seeks all information on assets over a five year period
16 Dr. Zada produced documents that were neatly organized by bank, brokerage
17 house, etc. For example, all Morgan Stanley statements were combined into a
18 single document. All Wells Fargo advisor statements were combined into a single
19 document. Zada Decl. ¶2, Ex. 1. The list of Perfect 10's intellectual property has
20 been in Plaintiffs possession for years, and remains the same now.⁶ Finally, the
21 physical property, as discussed before, has been specifically and painstakingly
22 detailed in the discovery responses and in Dr. Zada's deposition testimony.
23 Plaintiffs can easily see where Dr. Zada has his money, they are just trying to
24 manufacture a claim that Dr. Zada is guilty of discovery abuse when exactly the
25 opposite is true. In contrast, *Plaintiffs haven't produced a single document in this*
26 *case* and they have refused to answer most interrogatory and RFA requests.

27 _____
28 ⁶ Moreover, after the Receiver took possession of Perfect 10's intellectual property
is produced an inventory which is also in Plaintiffs' possession.

1 Plaintiff's make the **completely false claim** that "Defendants refused to
2 identify assets they have possessed since 2015 and they limited their production
3 accordingly. See Gregorian Decl. ¶ 5, Ex. D." In fact, Dr. Zada produced virtually
4 all brokerage and bank statements through 2018 by August 1, and has filled in the
5 few documents he missed since then. Zada Decl. ¶ 2, Ex. 1. We respectfully
6 request that the Court make a determination as to whether Plaintiffs' statement
7 claiming that Dr. Zada limited his production to 2015 is truthful. If it is not, we
8 request that the Court take whatever action it deems fit, including by so finding in
9 any ruling it makes with respect to Plaintiff's motion. (See Defendants' Proposed
10 Order). Plaintiffs cite to Gregorian Decl. Exhibit D, but that document has an
11 email from Matt Mickelson, attorney for Defendants, stating that "All bank
12 statements and financial statements of all kinds for both Perfect 10 and Dr. Zada
13 have been produced from 2013 on..." In other words, the cited to "evidence"
14 actually refutes the claim. Plaintiffs apparently believe that the Court is just going
15 to take their word for it, and not review the claimed underlying evidence.

16 Plaintiffs also completely misstate the Court's ruling. What the Court
17 preliminarily found was that Plaintiffs were entitled to an accounting of Zada's
18 assets, which they have received. The Court did not find that Dr. Zada had no
19 privacy rights at all. Specifically, after Defendants' attorney strongly disputed
20 Plaintiffs' right to personal, confidential and irrelevant financial documents from
21 2015 on, the Court stated "Yeah, and again, I mean, my tentative position without
22 having seen full briefing on it, is that they would be entitled to view his assets too,
23 but if, you know, you're going to have to -- you're right, that's not before me, and
24 we'll just see where that goes." (Plaintiffs' Exh. C at p. 28:13-17.) So the Court has
25 *not* decided that Defendants have no privacy rights here and that Plaintiffs are
26 entitled to anything they want. Plaintiffs have all the documents regarding transfers
27 to and from Perfect 10's bank account. That was produced long ago. Plaintiffs
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1 have simply not articulated a reason why personal private financial information
2 from the current day (not four years ago, when the transfers occurred) has any
3 relevance to their claims, and none of their cited case law bears on the factual
4 situation that obtains here – a complaint alleging discrete, specific cases of
5 fraudulent transfer from an entity to an individual, occurring several years ago.
6 While financial information concerning the transfer of the funds is, of course,
7 relevant, subsequent financial information has nothing to do with proving up
8 Plaintiffs’ claims.⁷

9 Plaintiffs also conveniently make claims without providing any specificity.
10 For example, they say, “The financial records contain numerous entries that
11 Plaintiffs do not understand ...” What financial records, and why haven’t Plaintiffs
12 met and conferred on any of these matters or asked Defendants for an explanation?
13 None whatsoever is provided in this motion. Moreover, Plaintiffs possessed many
14 of the produced documents at Dr. Zada’s previous deposition, yet failed to ask
15 about the supposedly obscure entrees in that venue. The Court can’t possibly know
16 what to believe because Plaintiffs are making general complaints without identifying
17 any specific problems. Defendants have no idea what Plaintiffs think they are
18 lacking either. More importantly, the financial records are for the most part simple.
19 They show assets and list dollar amount values. This is not complex or
20 complicated.

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26
27 ⁷ As described above, this issue is basically moot since Dr. Zada has decided to
28 produce all documents and information concerning his current assets; nonetheless,
Defendants continue to interpose their privacy arguments to prevent any further
attempts by Plaintiffs to rummage around Dr. Zada’s personal life.

1 **2. Interrogatory No. 5**

2 **Interrogatory No. 5**

3 For each asset that Interrogatory 3 or 4 calls to be identified, identify all facts
4 regarding the asset's value, including all valuations of the assets, at any time from
5 January 1, 2011 to the present.

6 **Perfect 10's Response to Interrogatory No. 5**

7 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
8 oppressive, compound and overbroad. Perfect 10 further objects to this
9 interrogatory on the grounds that it seeks information not relevant to the subject
10 matter of the action, and not reasonably calculated to lead to the discovery of
11 admissible evidence.

12 Subject to the above specific objections and Perfect 10's general objections,
13 Perfect 10 responds as follows:

14 Because Perfect 10 previously sold magazines in bulk for around 10 cents per
15 magazine, the 4000 magazines were worth approximately \$400 in total. Because the
16 cost of selling the T-shirts, hats, DVDs and other physical items offered by Perfect
17 10 exceeded sales, those were worth nothing. The bed sets were purchased for
18 around \$2,000 each in the year 2000. Based on prices shown on ebay, they were
19 likely worth at most \$500 each. Dr. Zada's desk cost about \$10,000 in the year
20 2000. Based on prices shown on ebay, Perfect 10 estimates that it was probably
21 worth around \$3,000. The other office furniture was apparently worth nothing,
22 because the receiver elected not to take it. Based on prices for used computers on
23 Ebay, the six smaller computer and one larger computer were probably worth in
24 total, at most \$3,000. The scanner was purchased in or around 2004 for around
25 \$8,000, to the best of Dr. Zada's recollection. It would probably be worth at most
26 \$2,000 today. Assuming that the printers and office supplies were worth \$2,000, the
27 physical assets that were transferred to Dr. Zada were worth around \$11,900, in
28

1 Perfect 10's estimation. In other words, Dr. Zada paid approximately \$58,100 more
2 than the physical assets were worth.

3 Because Perfect 10 photographed close to 1,000 models at a cost of
4 approximately \$9,000 per photoshoot, including model fee, photographer fee,
5 location fee, hair and makeup, assistant fees, referral fees, travel fees, etc. and
6 purchased third party film for more than \$2.5 million, the cost of replicating Perfect
7 10's film library is at least \$11.5 million. [*Perfect 10 is not aware of any valuation*
8 *of the value of its loan to Sean Chumura.*]

9 **Zada's Response to Interrogatory No. 5**

10 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
11 oppressive, compound and overbroad. Dr. Zada further objects to this interrogatory
12 on the grounds that it seeks information not relevant to the subject matter of the
13 action, and not reasonably calculated to lead to the discovery of admissible
14 evidence. [*Dr. Zada further objects to this interrogatory on the ground that it*
15 *invades his privacy and is prohibited by California Civil Code section 3295.*]

16 Subject to the above specific objections and Dr. Zada's general objections,
17 Dr. Zada responds as follows:

18 Because Perfect 10 previously sold magazines in bulk for around 10 cents per
19 magazine, the 4000 magazines were worth approximately \$400 in total. Because the
20 cost of selling the T-shirts, hats, DVDs and other physical items offered by Perfect
21 10 exceeded sales, those were worth nothing. The bed sets were purchased for
22 around \$2,000 each in the year 2000. Based on prices shown on ebay, they were
23 likely worth at most \$500 each. Dr. Zada's desk cost about \$10,000 in the year
24 2000. Based on prices shown on ebay, Dr. Zada estimates that it was probably
25 worth around \$3,000. The other office furniture was apparently worth nothing,
26 because the receiver elected not to take it. Based on prices for used computers on
27 Ebay, the six smaller computer and one larger computer were probably worth in
28

1 total, at most \$3,000. The scanner was purchased in or around 2004 for around
2 \$8,000, to the best of Dr. Zada's recollection. It would probably be worth at most
3 \$2,000 today. Assuming that the printers and office supplies were worth \$2,000, the
4 physical assets that were transferred to Dr. Zada were worth around \$11,900, in
5 Perfect 10's estimation. In other words, Dr. Zada paid approximately \$58,100 more
6 than the physical assets were worth.

7 Because Perfect 10 photographed close to 1,000 models at a cost of
8 approximately \$9,000 per photoshoot, including model fee, photographer fee,
9 location fee, hair and makeup, assistant fees, referral fees, travel fees, etc. and
10 purchased third party film for more than \$2.5 million, the cost of replicating Perfect
11 10's film library is at least \$11.5 million.

12 **Giganews's and Livewire's Position**

13 Interrogatory No. 5 seeks facts surrounding current and past valuations of
14 Perfect 10's assets. A key element of Plaintiffs' claim for constructive fraudulent
15 transfer is whether Perfect 10 received reasonably equivalent value for the property
16 it purportedly sold to Mr. Zada. To prove their claim, Plaintiffs require a complete
17 identification of the assets Defendants transferred and the available information
18 about their value in Defendants' possession, including original purchase prices (not
19 just Mr. Zada's conjecture without investigation).

20 Without complete, verified responses to interrogatory Nos. 3 and 4, any
21 response to interrogatory No. 5 is necessarily incomplete. Defendants' responses
22 vaguely referenced some assets, for example "office furniture," "bed sets," and
23 "used computers." Because of Defendants' defective responses, it is impossible to
24 identify the specific asset or determine whether the valuations are accurate.

25 A complete response to interrogatory No. 5 should identify each asset along
26 with all reasonably available facts about its value and any past valuations.

Defendants' Position

Plaintiffs are once again attempting to manufacture a dispute when there is none. Defendants believe that if the Court grants any meaningful portion of Plaintiff's motion, Plaintiffs' plan is to subsequently file a motion for sanctions claiming that Defendants failed to comply with the Court's order, regardless of how complete the compliance actually was. Plaintiffs were enormously successful in the Related Case using exactly those tactics, obtaining a ruling that bankrupted a company that had been creating copyrighted works for eighteen years. Plaintiffs are trying to do the same thing here, by systematically mischaracterizing Defendant's production. It is not correct that "Defendant's responses vaguely reference some assets, for example, 'office furniture,' 'bed sets,' and 'used computers.'" Defendants' discovery responses specifically listed the items of personal property and stated how much had been paid for them. They also made estimates based on a commonsensical lay knowledge of the current value of such items. No other information regarding the items' value is known or available to Defendants. Moreover, at his deposition, Dr. Zada was repeatedly questioned about these assets. He asserted they were "three bed sets purchased in 2000 for around 2,000 each, a desk purchased in 2000 for around 10,000, a couch purchased in 2000 for around 8,000, a scanner purchased in 2004 for around 8,000... Some small computers that were purchased - - I don't know when exactly, but they were not new, somewhere I'm saying between 2006 and 2010. One larger computer that was purchased I think for around seven thousand, and I don't remember exactly the day. It was somewhere between 2006 or 2009 or '10, and did I mention the scanner. 2004. And then some --- a couple of small printers, some pens and paper, you know, that kind of stuff. There was not really much there." Zada Decl. ¶ 8, Ex. 3. Dr. Zada estimated the value of the items to be around \$11,900 until the receiver recently refused to take the scanner for free (Zada Decl. ¶ 4, Ex. 2), indicating that it

1 was actually worth nothing. What more can he do? He doesn't have the receipts
2 for the items from 2000 nor does he even know if Perfect 10 owned them.

3 However, Melanie Poblete, who was familiar with the items, has testified that
4 she thinks one would have to pay to have someone take them away – in other
5 words, they were worth nothing. Zada Decl. ¶ 8, Ex. 3. She appears to be correct
6 because Dr. Zada offered the scanner to the receiver on August 10, 2018 for
7 nothing and the receiver turned that offer down. Zada Decl. ¶ 4, Ex. 2. The simple
8 fact is that Plaintiffs made an outrageous and unsupported allegation that the
9 physical assets were worth more than \$70,000, and now they are stuck with the fact
10 that they were worth at most \$11,900. Dr. Zada has answered the interrogatory to
11 the best of his ability and there is nothing more to add.

12 **3. Interrogatory Nos. 6 & 7**

13 **Interrogatory No. 6**

14 Identify all transfers of assets (including money) between Perfect 10 and
15 Norman Zada, including the date of transfer and the nature and amount of any
16 consideration in exchange for the transfer.

17 **Perfect 10's Response to Interrogatory No. 6**

18 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
19 oppressive, compound and overbroad. Perfect 10 further objects to this
20 interrogatory on the grounds that it seeks information not relevant to the subject
21 matter of the action, and not reasonably calculated to lead to the discovery of
22 admissible evidence. Perfect 10 also objects to this interrogatory because it requires
23 Perfect 10 to create a document not in its possession. Finally, Perfect 10 objects to
24 this interrogatory as the underlying documents are just as available to Plaintiffs as
25 they are to Perfect 10.

26 Subject to the above specific objections and Perfect 10's general objections,
27 Perfect 10 responds as follows: Perfect 10 has already described the physical
28

1 transfers which occurred in March-April of 2015. Based on Perfect 10's
2 calculations, Dr. Zada paid approximately \$58,000 more for the Perfect 10 physical
3 assets than they were worth. Dr. Zada did not transfer to himself Perfect 10's
4 copyrights and trademarks, which Perfect 10 estimates would cost at least \$11.5
5 million to recreate. With respect to most of the monetary transfers, Perfect 10 refers
6 Plaintiffs to Perfect 10's financial statements, which are in their possession. Perfect
7 10 will provide Plaintiffs with its 2015 and 2016 tax returns, and any bank of
8 America statements it does not already have through April 2018. [*Those financial*
9 *statements*] show that as of March 31, 2014, Dr. Zada had transferred at least a net
10 \$51 million from his bank accounts to Perfect 10's bank accounts. Perfect 10 will
11 also provide Plaintiffs with demand notes and documents acknowledging Perfect
12 10's repayments of some of Dr. Zada's loans.

13 With respect to the monetary transfers that took place during the pendency of
14 the related case, Plaintiffs are already in possession of the financial statements and
15 bank records which show all monetary transfers between Perfect 10 and Dr. Zada.
16 When Dr. Zada transferred money to Perfect 10, he was under the impression that
17 he was lending Perfect 10 that money, which was his to remove at any time at his
18 discretion. When Perfect 10 transferred money to Dr. Zada, Dr. Zada believed that
19 money was to pay off some of the debt it owed him. If the money is categorized as
20 an investment rather than a loan, then the transfers from Perfect 10 to Dr. Zada
21 could also be considered a legitimate receipt of any profits made by Perfect 10.
22 Moreover, the transferred money was also being used to compensate Dr. Zada for
23 his efforts in running and managing Perfect 10 and for his efforts in bringing in
24 revenue via legal settlements. Those efforts included doing a substantial part of
25 Perfect 10's legal work to minimize its overall legal expenditures. The spreadsheet
26 shows that since the pendency of the case, Perfect 10 transferred approximately a
27 net \$220,000 to Dr. Zada, not \$1,750,000 as Plaintiffs claim; that Perfect 10
28

1 received approximately \$5,389,950 in settlements, and that transfers were made to
2 Dr. Zada when the Perfect 10 bank account balance was much larger than normal
3 due to those recent settlements. Finally, the transfers were made to Dr. Zada when
4 Perfect 10 had an abnormally high balance while Dr. Zada typically had less than
5 \$100,000 in his personal bank account.

6 Other than these transfers, Dr. Zada is not aware of any other transfers that
7 were made after January 1, 2011.

8 **Zada's Response to Interrogatory No. 6**

9 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
10 oppressive, compound and overbroad. Dr. Zada further objects to this interrogatory
11 on the grounds that it seeks information not relevant to the subject matter of the
12 action, and not reasonably calculated to lead to the discovery of admissible
13 evidence. Dr. Zada also objects to this interrogatory because it requires Perfect 10
14 to create a document not in its possession. Finally, Dr. Zada objects to this
15 interrogatory as the underlying documents are just as available to Plaintiffs as they
16 are to him.

17 Subject to the above specific objections and Dr. Zada's general objections,
18 Dr. Zada responds as follows: [Dr. Zada and] Perfect 10 [have] already described
19 the physical transfers which occurred in March-April of 2015. Based on Perfect
20 10's calculations, Dr. Zada paid approximately \$58,000 more for the Perfect 10
21 physical assets than they were worth. Dr. Zada did not transfer to himself Perfect
22 10's copyrights and trademarks, which Perfect 10 estimates would cost at least
23 \$11.5 million to recreate. With respect to most of the monetary transfers, Dr. Zada
24 refers Plaintiffs to Perfect 10's financial statements, which are in their possession.
25 Perfect 10 will provide Plaintiffs with its 2015 and 2016 tax returns, and any bank
26 of America statements it does not already have through April 2018[, *along with*
27 *cancelled checks that it has not already produced that it can locate upon a*
28

1 *reasonable search. The financial statements that have already been produced,*
2 show that as of March 31, 2014, Dr. Zada had transferred at least a net \$51 million
3 from his bank accounts to Perfect 10's bank accounts. [*Dr. Zada* and] Perfect 10
4 will also provide Plaintiffs with demand notes and documents acknowledging
5 Perfect 10's repayments of some of Dr. Zada's loans.

6 With respect to the monetary transfers that took place during the pendency of
7 the related case, Plaintiffs are already in possession of the financial statements and
8 bank records which show all monetary transfers between Perfect 10 and Dr. Zada.
9 When Dr. Zada transferred money to Perfect 10, he was under the impression that
10 he was lending Perfect 10 that money, which was his to remove at any time at his
11 discretion. When Perfect 10 transferred money to Dr. Zada, Dr. Zada believed that
12 money was to pay off some of the debt it owed him. If the money is categorized as
13 an investment rather than a loan, then the transfers from Perfect 10 to Dr. Zada
14 could also be considered a legitimate receipt of any profits made by Perfect 10.
15 Moreover, the transferred money was also being used to compensate Dr. Zada for
16 his efforts in running and managing Perfect 10 and for his efforts in bringing in
17 revenue via legal settlements. Those efforts included doing a substantial part of
18 Perfect 10's legal work to minimize its overall legal expenditures. The spreadsheet
19 shows that since the pendency of the case, Perfect 10 transferred approximately a
20 net \$220,000 to Dr. Zada, not \$1,750,000 as Plaintiffs claim; that Perfect 10
21 received approximately \$5,389,950 in settlements, and that transfers were made to
22 Dr. Zada when the Perfect 10 bank account balance was much larger than normal
23 due to those recent settlements. Finally, the transfers were made to Dr. Zada when
24 Perfect 10 had an abnormally high balance while Dr. Zada typically had less than
25 \$100,000 in his personal bank account.

26 Other than these transfers, Dr. Zada is not aware of any other transfers that
27 were made after January 1, 2011.
28

1 **Interrogatory No. 7**

2 For each transfer that Interrogatory No. 6 calls to be identified, identify all
3 facts concerning the value of the exchanged assets and consideration.

4 **Perfect 10's Response to Interrogatory No. 7**

5 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
6 oppressive and overbroad.

7 Subject to the above specific objections and Perfect 10's general objections,
8 Perfect 10 responds as follows: Perfect 10 incorporates here its response to
9 Interrogatory No. 6, which Perfect 10 believes suitably answers this interrogatory.

10 **Zada's Response to Interrogatory No. 7**

11 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
12 oppressive and overbroad.

13 Subject to the above specific objections and Dr. Zada's general objections,
14 Dr. Zada responds as follows: [Dr. Zada] incorporates here [his] response to
15 Interrogatory No. 6, which [he] believes suitably answers this interrogatory.

16 **Giganews's and Livewire's Position**

17 Interrogatories 6 and 7 asked Defendants to identify transfers of assets
18 between Perfect 10 and Mr. Zada, the value of each asset involved, and any
19 consideration Perfect 10 received in exchange. At the parties' conference,
20 Defendants' counsel stated that Mr. Zada planned to produce a spreadsheet that
21 would provide the requested information. Instead, Defendants produced a
22 spreadsheet showing transfers of money (not assets) between Perfect 10 and Mr.
23 Zada. Gregorian Decl. ¶ 7, Ex. E at 2 & Ex. F. It contains no information
24 regarding consideration or asset values, and it contains at least one inconsistency on
25 its face. Gregorian Decl. ¶¶ 7–9, Exs. F, G. Furthermore, despite Plaintiffs'
26 request, Defendants never provided a verified response stating that their spreadsheet
27 purports to reflect all responsive transfers of which they are aware.

1 The Court should compel complete and verified answers to these
2 interrogatories that identify each transfer individually, describe the nature and
3 amount of any consideration in exchange, and describe the facts concerning the
4 value of the exchanged asset.

5 Defendants' responses also commit to producing "demand notes and
6 documents acknowledging Perfect 10's repayments of some of Dr. Zada's loans."
7 (These documents are also responsive to RFP Nos. 7, 18, 22, 41 and 42, among
8 others.) Since approximately 2009, Mr. Zada has had an equity investment in
9 Perfect 10, and Perfect 10's financial statements and tax filings consistently
10 characterized it as such. Once Plaintiffs filed this action, however, Mr. Zada sought
11 to re-characterize his investment as a "loan." He produced non-native versions of
12 purported "demand" and "repayment" notes purporting to show loans to Perfect 10,
13 including in the amounts of his fraudulent transfers, with no information about who
14 authored the notes or when. At deposition, he claimed that he did not know that
15 information. Gregorian Decl. Ex. K ("Zada Depo") at 162:23–164:9. This raises a
16 serious question as to whether these are doctored or back-dated documents
17 Defendants created for the purpose of defending this litigation. Plaintiffs requested
18 that Defendants produce native versions of the demand and repayment note files;
19 Defendants have not done so. Gregorian Decl. ¶ 13, Zada Depo at 167:3–15.
20 Accordingly, Plaintiffs request the Court order Defendants to produce these
21 documents in native format with metadata intact, and provide any other available
22 information regarding the author of each document, its date of creation, the identity
23 of any other individuals that edited it, and the date it was last edited.

24 **Defendants' Position**

25 Plaintiffs have failed to include either Defendants first or second amended
26 responses to Interrogatory Number 6. Mickelson Decl. ¶ 3, 4, Ex. 1-5. This request
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1 should accordingly be denied on the ground that it is moot and unrelated to the
2 actual active responses.

3 Plaintiffs are simply incorrect about the discovery responses. Those make
4 clear that the only physical assets owned by Perfect 10 during the relevant period
5 were those transferred to Dr. Zada in 2014; those specific physical items were
6 exhaustively and fully detailed in previous discovery responses and in Dr. Zada's
7 deposition. The receiver has recently admitted that the scanner Dr. Zada paid
8 Perfect 10 for in 2014 was worth next to nothing as receiver was asked to pick it up
9 for free on August 10, 2018 and chose not to take it. Zada Decl. ¶ 4, Ex. 2.
10 Defendants also produced a spreadsheet showing transfers of funds between Perfect
11 10 and Dr. Zada; those transfers are substantiated by the produced bank
12 statements.⁸ Other than the transfers of the monies and the physical items, no other
13 assets have been transferred between Perfect 10 and Dr. Zada from 2013 on.

14 Plaintiffs never mentioned the issue about native versions of the demand
15 notes in any meet and confer session. This is one of the reasons why parties are
16 supposed to properly meet and confer and try to resolve issues before making
17 motions which unnecessarily waste the Court's time. Plaintiffs are again making
18 allegations that are flagrantly false, in an effort to poison the Court against Dr.
19 Zada. For example, they contend that "Once Plaintiffs filed this action, however,
20 Mr. Zada sought to re-characterize his investment as a "loan." Dr. Zada hasn't
21 sought to re-characterize anything. In fact, when Plaintiffs asked Perfect 10's
22 accountant, Bruce Hersh in deposition, Q. "Did he [Zada] ever request that you
23 recharacterize the equity investment as a loan to Perfect 10?" Mr. Hersh replied,
24 "He did not." When Mr. Hersh was then asked, Q. "Okay, Since this lawsuit
25 began, has he instructed you to recharacterize his investment as a loan?" Mr. Hersh
26 responded, "No." Mickelson Decl. ¶ 5, Ex. 6.

27 ⁸ Any mistakes on the spreadsheet were inadvertent and will be corrected by
28 Defendants.

1 The notes to which Plaintiffs refer, which they claim is evidence of some
2 type of sinister act on the part of Dr. Zada, will not be used in this case for multiple
3 reasons, including because they aren't signed. The "demand notes" simply
4 correspond to transfers from Dr. Zada to Perfect 10 which appear on both Perfect
5 10's and Dr. Zada's bank statements. Dr. Zada simply found them in his computer
6 and produced them per his discovery obligations. Zada Decl. ¶ 7.

7 The simple fact is that there is no dispute that Dr. Zada lent Perfect 10
8 approximately \$53 million, and that until approximately 2009, those monies were
9 classified by Perfect 10's accountant, Bruce Hersh, as loans. However, in 2009,
10 Mr. Hersh, on his own, with no consultation with Dr. Zada, reclassified them as
11 capital investments. It is Defendants position that regardless of whether the monies
12 invested by Dr. Zada were classified as loans or investments, he was entitled to pay
13 himself a small portion of the monies he had loaned or invested, without concern
14 about being accused of fraud, particularly when Plaintiffs were not creditors at that
15 time, and particularly when he never expected them to become creditors.

16 **4. Interrogatory No. 8**

17 **Interrogatory No. 8**

18 Identify all accounts (including but not limited to bank accounts, credit card
19 accounts, brokerage accounts, investment account, retirement accounts, pension
20 accounts, lease accounts, internet or other online service account, utility accounts,
21 alarm or security service accounts, cable or satellite television accounts, domain
22 name accounts, mortgages, lines of credit, real property, physical assets, cash
23 assets, crypto currency or crypto assets) associated with Perfect 10 or Norman
24 Zada.

25 **Perfect 10's Response to Interrogatory No. 8**

26 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
27 oppressive, compound and overbroad. Perfect 10 further objects to this
28

1 interrogatory on the grounds that it is vague and ambiguous. Perfect 10 objects to
2 this interrogatory that it is indefinite as to time and unnecessarily burdensome for
3 that reason alone. Perfect 10 further objects to this interrogatory because it invades
4 the privacy of Dr. Zada. Perfect 10 further objects to this interrogatory on the
5 grounds that it seeks information not relevant to the subject matter of the action,
6 and not reasonably calculated to lead to the discovery of admissible evidence. The
7 information sought is also not discoverable pursuant to California Civil Code
8 section 3295.

9 Subject to the above specific objections and Perfect 10's general objections,
10 Perfect 10 responds as follows:

11 The interrogatory is confusing. To the extent that Perfect 10 understands it,
12 Perfect 10 has no brokerage accounts, investment accounts, or lines of credit, or
13 crypto accounts nor has it ever had such accounts. The statements for the various
14 bank accounts that it has had have been produced to the extent that they could be
15 located. Any additional statements that have not been produced that can be located
16 upon a reasonable search will be produced. Perfect 10 currently has a single bank
17 account. Dr. Zada deposits checks he received from epoch into that bank account,
18 and then plaintiffs or the receiver removes those funds. Perfect 10's trademarks and
19 copyrights and some tangible assets including film and DVDs, which would cost at
20 least \$11.5 million to recreate, are in the custody of the receiver. The receiver did
21 not want a number of Perfect 10's pieces of office furniture. So Perfect 10 still has
22 those. Whether or not any cable or security accounts at 11803 Norfield Court are in
23 the name of Perfect 10 or Dr. Zada is irrelevant, as Dr. Zada is paying for those
24 accounts. Perfect 10's employees have in the past had retirement accounts.

25 Dr. Zada will provide copies of his 2014, 2015, and 2016 tax returns. He has
26 already produced the first page of his 2007, 2008, 2009, 2010, 2011, 2012, and
27 2013 tax returns. Dr. Zada will also provide his Amex statements from January
28

1 2014 through January of 1017, and certain other credit card statements in response
2 to RFP 6. Dr. Zada will provide information regarding his assets sufficient to
3 establish that at the time the \$5.63 million fee award was entered, he only had
4 approximately \$4 million in cash and securities outside of his home and retirement
5 account, i.e., not enough to pay the \$5.63 million award in cash, which is why he
6 was forced to offer to pay part via a first trust deed on his home. Dr. Zada will not
7 provide any documents or information regarding his current assets.

8 **Zada's Response to Interrogatory No. 8**

9 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
10 oppressive, compound and overbroad. Dr. Zada further objects to this interrogatory
11 on the grounds that it is vague and ambiguous. Dr. Zada objects to this
12 interrogatory that it is indefinite as to time and unnecessarily burdensome for that
13 reason alone. Dr. Zada further objects to this interrogatory because it invades the
14 privacy of Dr. Zada. Dr. Zada further objects to this interrogatory on the grounds
15 that it seeks information not relevant to the subject matter of the action, and not
16 reasonably calculated to lead to the discovery of admissible evidence. The
17 information sought is also not discoverable pursuant to California Civil Code
18 section 3295.

19 Subject to the above specific objections and Dr. Zada's general objections,
20 Dr. Zada responds as follows:

21 The interrogatory is confusing. To the extent that [Dr. Zada] understands it,
22 Perfect 10 has no brokerage accounts, investment accounts, or lines of credit, or
23 crypto accounts nor has it ever had such accounts. The statements for the various
24 bank accounts that it has had have been produced to the extent that they could be
25 located. Any additional statements that have not been produced that can be located
26 upon a reasonable search will be produced. Perfect 10 currently has a single bank
27 account. Dr. Zada deposits checks he received from epoch into that bank account,
28

1 and then plaintiffs or the receiver removes those funds. Perfect 10's trademarks and
2 copyrights and some tangible assets including film and DVDs, which would cost at
3 least \$11.5 million to recreate, are in the custody of the receiver. The receiver did
4 not want a number of Perfect 10's pieces of office furniture. So Perfect 10 still has
5 those. Whether or not any cable or security accounts at 11803 Norfield Court are in
6 the name of Perfect 10 or Dr. Zada is irrelevant, as Dr. Zada is paying for those
7 accounts. Perfect 10's employees have in the past had retirement accounts.

8 Dr. Zada will provide copies of his 2014, 2015, and 2016 tax returns. He has
9 already produced the first page of his 2007, 2008, 2009, 2010, 2011, 2012, and
10 2013 tax returns. Dr. Zada will also provide his Amex statements from January
11 2014 through January of 1017, and certain other credit card statements in response
12 to RFP 6. Dr. Zada will provide information regarding his assets sufficient to
13 establish that at the time the \$5.63 million fee award was entered, he only had
14 approximately \$4 million in cash and securities outside of his home and retirement
15 account, i.e., not enough to pay the \$5.63 million award in cash, which is why he
16 was forced to offer to pay part via a first trust deed on his home. Dr. Zada will not
17 provide any documents or information regarding his current assets.

18 **Giganews's and Livewire's Position**

19 This interrogatory asks Defendants to identify—by username, associated
20 payment account, and account holder name—all accounts Perfect 10 and Mr. Zada
21 have controlled. The locations and identities of Defendants' accounts are relevant
22 to trace funds flowing between them and to establish a complete picture of
23 Defendants' assets and liabilities. Defendants refer to “a single bank account” of
24 Perfect 10 and incompletely identify a handful of others in general terms (e.g.,
25 “retirement accounts,” “home” account, “retirement account”) without providing
26 the specific identifying information Plaintiffs requested. They also rely on cherry-
27
28

1 picked documents that bear no Bates number or other reasonable means of
2 document control.

3 Defendants' responses are inadequate for the reasons Plaintiffs already
4 discussed above. Defendants do not attest that they have identified all responsive
5 accounts instead of a partial selection. The reference to documents does not satisfy
6 Rule 33(d) because the responses do not identify documents with specificity, and
7 Plaintiffs cannot derive a complete response from the responses. Defendants also
8 attempt to rely on a privacy objection to information regarding Zada's accounts that
9 the Court has overruled and the protective order has rendered moot. Although the
10 Court ordered Defendants to produce documents showing their liabilities, Plaintiffs
11 have no way to know whether Defendants have disclosed and produced from all of
12 their associated accounts without this identification.

13 The Court should grant Plaintiffs' motion and compel complete responses,
14 including a verification that they have identified all responsive accounts and that no
15 other responsive information exists.

16 **Defendants' Position**

17 Once again, Plaintiffs have failed to include Defendants amended discovery
18 responses, and ignored Dr. Zada's extensive production of virtually all of his
19 personal financial documents from 2013 through 2018, which they received on
20 August 1, 2018, a week before filing their joint stip. When Plaintiffs finally
21 identified some documents they felt were missing on August 15, 2018, Defendants
22 immediately produced those documents in response. Zada Decl. ¶ 2, Ex. 1. As
23 discussed above, Plaintiffs complaints here are moot, as all available asset
24 information for both Perfect 10 and Dr. Zada from 2013 until the present have been
25 produced. The only documents left to produce are a few credit card statements for
26 inactive cancelled cards that Dr. Zada has ordered. They will be produced when
27 they are received Plaintiffs are again asking for an accounting of every single cent
28

1 of Perfect 10 and Dr. Zada money in all of their accounts from 2013 to the present.
2 This was a monumental invasion of Dr. Zada's privacy for mostly irrelevant
3 reasons. Nonetheless, in an attempt to avoid further motion practice, Dr. Zada has
4 offered a complete set of all his accounts from 2013 to the present which shows
5 exactly how much money he has over that period up and until today (with the
6 exception of irrelevant and trade secret information regarding stock purchases, as
7 discussed above.) And, again, because Plaintiffs have sought all such information,
8 they cannot now complain that the production of the relevant documents which
9 categorize and list the information sought is somehow too difficult to review or
10 analyze by themselves. It is important for the Court to understand that all interest
11 bearing and dividend bearing accounts owned by Dr. Zada will appear on his tax
12 returns. Those have been produced. Zada Decl. ¶ 2, Ex. 1.

13 **5. Interrogatory No. 9**

14 **Interrogatory No. 9**

15 Identify each Perfect 10 asset transferred to any Person from January 1, 2011
16 to the present (including but not limited to bank accounts, credit card accounts,
17 brokerage accounts, investment accounts, retirement accounts, pension accounts,
18 lease accounts, internet or other online service accounts, utility accounts, alarm or
19 security service accounts, cable or satellite television accounts, domain name
20 accounts, mortgages, lines of credit, real property, physical assets, cash assets,
21 crypto assets, or other assets owned or otherwise controlled by Perfect 10), and all
22 facts concerning the value of each asset at the time of transfer.

23 **Perfect 10's Response to Interrogatory No. 9**

24 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
25 oppressive and overbroad. Perfect 10 further objects to this interrogatory on the
26 grounds that it is vague and ambiguous as to the term "Perfect 10 asset." Perfect 10
27 further objects to this interrogatory on the grounds that it seeks information not
28

1 relevant to the subject matter of the action, and not reasonably calculated to lead to
2 the discovery of admissible evidence.

3 Subject to the above specific objections and Perfect 10's general objections,
4 Perfect 10 responds as follows:

5 Perfect 10 is not aware of any transfers which are not reflected by Perfect
6 10's bank statements and other financial records, which are already in possession of
7 the Plaintiffs. In other words, there were no transfers of brokerage accounts,
8 investment accounts, etc. To the extent that bank statements have not already been
9 produced, they will be produced back to May of 2011, which is essentially when
10 this case began and which is the earliest date of statements in Defendants' custody,
11 possession or control. The only physical assets that were transferred in exchange for
12 a payment of \$70,000 in March of 2015, have already been discussed. The response
13 to interrogatories three and four are incorporated herein.

14 **Zada's Response to Interrogatory No. 9**

15 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
16 oppressive and overbroad. Perfect 10 further objects to this interrogatory on the
17 grounds that it is vague and ambiguous as to the term "Perfect 10 asset." Dr. Zada
18 further objects to this interrogatory on the grounds that it seeks information not
19 relevant to the subject matter of the action, and not reasonably calculated to lead to
20 the discovery of admissible evidence.

21 Subject to the above specific objections and Dr. Zada's general objections,
22 Dr. Zada responds as follows:

23 [Dr. Zada] is not aware of any transfers which are not reflected by Perfect
24 10's bank statements and other financial records, which are already in possession of
25 the Plaintiffs. In other words, there were no transfers of brokerage accounts,
26 investment accounts, etc. To the extent that bank statements have not already been
27 produced, they will be produced back to May of 2011, which is essentially when
28

1 this case began and which is the earliest date of statements in Defendants' custody,
2 possession or control. The only physical assets that were transferred in exchange for
3 a payment of \$70,000 in March of 2015, have already been discussed. The response
4 to interrogatories three and four are incorporated herein.

5 **Giganews's and Livewire's Position**

6 Interrogatory No. 9 asked Defendants to identify each asset Perfect 10
7 transferred to any person since January 1, 2011. Plaintiffs agree to limit this
8 request to January 1, 2013 to present, consistent with the Court's Order. Specific
9 information identifying Perfect 10's transfers to others is relevant to identify
10 additional fraudulent transfers and to analyze Perfect 10's solvency, which is a
11 crucial element of a constructive fraudulent transfer claim.

12 Defendants claim that the bank and financial records already in Plaintiffs'
13 possession reflect all transfers of funds, and they value the transferred physical
14 assets at \$70,000. If Defendants intended to rely on records, they needed to say so
15 and identify specific records that supply a complete answer. They did not do so.
16 Moreover, Mr. Zada's answer refers to transfers of "accounts" rather than "assets,"
17 suggesting that he arbitrarily limited his answer. The conference of counsel
18 effectively confirmed this, as Defendants argued that they had answered this
19 interrogatory by producing Mr. Zada's spreadsheet of bank transfers, which omits
20 asset transfers. The Court should compel a complete verified response that
21 identifies all responsive transfers.

22 **Defendants' Position**

23 The only transfers of any sort of assets from Perfect 10 to any person were
24 monetary transfers, which are reflected in the bank statements, and the transfer of
25 assets to Dr. Zada. The responses make this clear.

26 The only easy way to identify all transfers to third parties, such as payments
27 to employees and attorneys etc., is to provide copies of Perfect 10's financial
28

1 statements, which go up through 2014, and to provide copies of Perfect 10's bank
2 statements, which go through 2018. Dr. Zada has done that, and also provided a
3 spreadsheet that he created. Plaintiffs, who have produced no documents
4 whatsoever, and pretty much stiffed Defendants on almost all of Defendants
5 discovery requests, are now complaining that Dr. Zada did not include the furniture
6 on his spreadsheet. This is ridiculous. Dr. Zada has in a separate interrogatory
7 described all the physical assets that were transferred, what they cost originally to
8 the best of his ability, and what he thought they were worth. The payments of
9 \$20,000 and \$50,000 for the physical assets do appear on Dr. Zada's spreadsheet.
10 Zada Decl. ¶ 8, Ex. 3.

11 **6. Interrogatory No. 10**

12 **Interrogatory No. 10**

13 Identify all facts concerning the statement(s) of Perfect 10 or Zada referred to
14 in paragraph 28 of the FAC, including the statements that "Dr. Zada and Perfect 10
15 did not have the funds to pay the full amount [of the judgment] in case," and/or
16 "Dr. Zada and Perfect 10 did the best they could given the limited amount of cash
17 they had available."

18 **Perfect 10's Response to Interrogatory No. 10**

19 Perfect 10 objects to this interrogatory on the grounds that it is burdensome,
20 oppressive and overbroad. Perfect 10 further objects to this interrogatory on the
21 grounds that it seeks information not relevant to the subject matter of the action,
22 and not reasonably calculated to lead to the discovery of admissible evidence. Dr.
23 Zada further objects to this interrogatory on the ground that it invades his privacy
24 and is prohibited by California Civil Code section 3295.

25 Subject to the above specific objections and Perfect 10's general objections,
26 Perfect 10 responds as follows:
27
28

1 Dr. Zada will produce documents sufficient to show that he did not have
2 sufficient cash to pay \$5.63 million when the award was entered in March of 2015.
3 Those documents will include his personal 2014, 2015, and 2016 tax returns. His
4 2014 tax return lists total taxable interest of \$1,534 and dividends of \$4,778, from
5 four accounts: Bank of America, Chase, Wells Fargo Advisors, and Morgan
6 Stanley. Dr. Zada also had approximately \$20,000 in a Putnam account. Dr. Zada
7 will also provide copies of those accounts for the month of December, 2014.
8 Together, those statements show that at the end of December 2014, Dr. Zada had
9 approximately \$1,507,000 at Chase, approximately \$1,057,000 at Morgan Stanley,
10 approximately \$525,000 at Wells Fargo Advisors, and approximately 1,153,000 at
11 bank of America, while Perfect 10 had approximately \$263,734 at Bank of
12 America. In other words, between Perfect 10 and Dr. Zada, they had about \$4.5
13 million in cash and cash equivalents, not enough to pay \$5.891 million.

14 **Zada's Response to Interrogatory No. 10**

15 Dr. Zada objects to this interrogatory on the grounds that it is burdensome,
16 oppressive and overbroad. Dr. Zada further objects to this interrogatory on the
17 grounds that it seeks information not relevant to the subject matter of the action,
18 and not reasonably calculated to lead to the discovery of admissible evidence. Dr.
19 Zada further objects to this interrogatory on the ground that it invades his privacy
20 and is prohibited by California Civil Code section 3295.

21 Subject to the above specific objections and Dr. Zada's general objections,
22 Dr. Zada responds as follows:

23 Dr. Zada will produce documents sufficient to show that he did not have
24 sufficient cash to pay \$5.63 million when the award was entered in March of 2015.
25 Those documents will include his personal 2014, 2015, and 2016 tax returns. His
26 2014 tax return lists total taxable interest of \$1,534 and dividends of \$4,778, from
27 four accounts: Bank of America, Chase, Wells Fargo Advisors, and Morgan
28

1 Stanley. Dr. Zada also had approximately \$20,000 in a Putnam account. Dr. Zada
2 will also provide copies of those accounts for the month of December, 2014.
3 Together, those statements show that at the end of December 2014, Dr. Zada had
4 approximately \$1,507,000 at Chase, approximately \$1,057,000 at Morgan Stanley,
5 approximately \$525,000 at Wells Fargo Advisors, and approximately 1,153,000 at
6 bank of America, while Perfect 10 had approximately \$263,734 at Bank of
7 America. In other words, between Perfect 10 and Dr. Zada, they had about \$4.5
8 million in cash and cash equivalents, not enough to pay \$5.891 million.

9 **Giganews's and Livewire's Position**

10 This interrogatory asked for facts concerning Defendants' contention that
11 they did not possess sufficient funds to pay the judgment against Perfect 10. *See*
12 Dkt. 12 at 9. Zada claims that his settlement offer of \$2 million plus additional
13 contingent rights proves that he did not take Perfect 10's cash to hinder creditors.⁹
14 As part of his explanation for why this partial payment proves his good faith, he has
15 represented to the Court that he lacks the ability to pay the full amount of the
16 judgment. *See* Dkt. 19 at 6; Dkt. 37 at 1. Plaintiffs are entitled to discovery to test
17 the truth or falsity of this claim and to show that Zada actually had sufficient cash
18 and assets to pay the judgment in full. Again, Zada proposes to cherry-pick some
19 records to show a partial picture that favors him. He still has made no
20 representation to the Court that these records disclose all of his cash and assets.

21 Defendants also declined to provide this information on the grounds that it is
22 purportedly "personal" to Mr. Zada, the same objection that the Court has already
23 rejected. The Court should compel amended and verified responses that set forth
24 all facts related to Defendants' representations about their ability to pay the
25 judgment.

26 _____
27 ⁹ It does not: by transferring Perfect 10's cash and assets to himself, Zada could
28 offer to pay less than the full judgment and impose additional settlement conditions.
If it were not for Zada's fraud, Plaintiffs could have simply enforced the judgment.

Defendants' Position

Virtually all documents showing Dr. Zada's assets from 2013 to 2018 -- which of course includes his assets during the period in which the offer to settle was made -- were produced by August 1. Any missing gaps have been filled since. Zada Decl. ¶ 2, Ex. 1.

Plaintiffs know this. Why, then, do they once again make a false claim, that "Zada proposes to cherry-pick some records to show a partial picture that favors him." What documents have been cherry-picked? Dr. Zada has provided all of his brokerage and bank account statements from 2013 to 2018 and his tax returns from 2013 to 2016, the ones he has from 2013 onward. Zada Decl. ¶ 2, Ex. 1. Any substantial account that Dr. Zada was "hiding" would show up in those tax returns. There are none. The money that was transferred from Perfect 10 to Dr. Zada's bank of America account appears in Dr. Zada's bank of America account. Between Perfect 10 and Dr. Zada, they had about \$4.5 million in cash outside of Dr. Zada's retirement account, which had about \$1.5 million -- not enough to spare to pay the legal bills for the appeal or live. See Mickelson Decl. ¶ 4, Ex. 2 [Dr. Zada's Amended response to Interrogatory No. 10.] Particularly incredible is Plaintiffs' claim in footnote 3 that, "If it were not for Zada's fraud, Plaintiffs could have simply enforced the judgment." If Dr. Zada had not removed any of the \$1.75 million, Perfect 10 would have had less than \$2 million in cash when the fee award was entered, not more than \$5.63 million as Plaintiffs claim.

///

B. Giganews's Second Set of Requests for Production to Perfect 10 and Norman Zada.¹⁰

1. Responses relying on a privacy objection (RFP Nos. 13, 15–18, 20, 22, 24–27, 29–34, 38, 39, 41, 42, 44, 45, 47, 49–53, 55, 57–59, 60–65, 67–70, and 74)

Request for Production No. 13

All documents regarding direct or indirect transfers of funds or other assets between Norman Zada or Perfect 10, on the one hand, and Bruce Hersh, Eric Benink, David Schultz, Lynell Davis, Natalie Locke, Melanie Poblete, Snow McCall, Gwendalyn Augustine a.k.a. Wendy Augustine, Szabolcs Apai, CW International LLC, or Sean Chumura, on the other, since January 1, 2011.

Response to Request for Production No. 13

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of privacy and is prohibited by California Civil Code section 3295.

Perfect 10 will produce responsive non-privileged documents that it can locate upon a reasonable search, that have not already been produced. Dr. Zada will

¹⁰ Perfect 10 and Zada served substantively identical responses. Gregorian Decl. Exs. M and N. Plaintiffs reproduce only Perfect 10's responses here to avoid duplication and waste of space.

1 produce responsive non-privileged documents sufficient to identify such payments
2 made directly by him, from January 1 2014, through March 30, 2015.

3 **Request for Production No. 15**

4 All documents concerning assets in which Norman Zada has had any actual
5 or contingent legal, beneficial, or equitable interest at any time since January 1,
6 2011.

7 **Response to Request for Production No. 15**

8 Perfect 10 incorporates the General Objections as set forth above and notes
9 that it has already produced most if not all of the discovery requested (see
10 paragraph 18) herein.

11 Perfect 10 objects to this request on the grounds that it is compound, and also
12 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
13 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
14 request as it seeks the disclosure of information protected from discovery by the
15 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
16 objects to this request on the grounds that it seeks information not relevant to the
17 subject matter of the action, and not reasonably calculated to lead to the discovery
18 of admissible evidence. Perfect 10 objects to this request on the grounds that it
19 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
20 section 3295.

21 Subject to the above specific objections and Perfect 10's general objections,
22 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
23 returns, as well as statements from the brokerage and bank accounts listed in the
24 2014 tax return, which show the approximate amount of cash and cash equivalents
25 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
26 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
27 he had very little interest or dividend income over that period, along with a tax loss
28

1 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
2 statements from December of 2012 to March of 2015. He will supplement the
3 production of credit card statements that have already been produced, through
4 January of 2017. He will not produce other documents, which violate his privacy
5 and are not relevant to this case.

6 **Request for Production No. 16**

7 All documents identifying all assets held in bailment by or for, held or
8 maintained for, or owned or possessed by Norman Zada or on Norman Zada's
9 behalf at any time since January 1, 2011.

10 **Response to Request for Production No. 16**

11 Perfect 10 incorporates the General Objections as set forth above and notes
12 that it has already produced most if not all of the discovery requested (see
13 paragraph 18) herein.

14 Perfect 10 objects to this request on the grounds that it is compound, and also
15 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
16 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
17 request as it seeks the disclosure of information protected from discovery by the
18 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
19 objects to this request on the grounds that it seeks information not relevant to the
20 subject matter of the action, and not reasonably calculated to lead to the discovery
21 of admissible evidence. Perfect 10 objects to this request on the grounds that it
22 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
23 section 3295.

24 Subject to the above specific objections and Perfect 10's general objections,
25 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
26 returns, as well as statements from the brokerage and bank accounts listed in the
27 2014 tax return, which show the approximate amount of cash and cash equivalents
28

1 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
2 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
3 he had very little interest or dividend income over that period, along with a tax loss
4 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
5 statements from December of 2012 to March of 2015. He will supplement the
6 production of credit card statements that have already been produced, through
7 January of 2017. He will not produce other documents, which violate his privacy
8 and are not relevant to this case.

9 **Request for Production No. 17**

10 All documents from January 1, 2011 to present concerning the direct or
11 indirect transfer of legal title or possession of any asset from Perfect 10 or Norman
12 Zada.

13 **Response to Request for Production No. 17**

14 Perfect 10 incorporates the General Objections as set forth above and notes
15 that it has already produced most if not all of the discovery requested (see
16 paragraph 18) herein.

17 Perfect 10 objects to this request on the grounds that it is compound, as well
18 as incomprehensible. Perfect 10 objects to this request on the grounds that it is
19 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
20 request as it seeks the disclosure of information protected from discovery by the
21 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
22 objects to this request on the grounds that it seeks information not relevant to the
23 subject matter of the action, and not reasonably calculated to lead to the discovery
24 of admissible evidence. Perfect 10 objects to this request on the grounds that it
25 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
26 section 3295.

1 Subject to the above specific objections and Perfect 10's general objections,
2 Perfect 10 responds as follows: To the extent that Plaintiffs meant "indirect transfer
3 of legal title or possession of any asset from Perfect 10 to Norman Zada," Perfect
4 10 has already produced documents sufficient to identify such transfers, which
5 were, the 2009 Lexus, which was already owned by Dr. Zada, as well as some
6 furniture, magazines, and computers.

7 **Request for Production No. 18**

8 Documents sufficient to identify all funds owned or possessed by Norman
9 Zada or held on Norman Zada's behalf at any time between January 1, 2011 and the
10 present.

11 **Response to Request for Production No. 18**

12 Perfect 10 incorporates the General Objections as set forth above and notes
13 that it has already produced most if not all of the discovery requested (see
14 paragraph 18) herein.

15 Perfect 10 objects to this request on the grounds that it is compound, and also
16 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
17 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
18 request as it seeks the disclosure of information protected from discovery by the
19 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
20 objects to this request on the grounds that it seeks information not relevant to the
21 subject matter of the action, and not reasonably calculated to lead to the discovery
22 of admissible evidence. Perfect 10 objects to this request on the grounds that it
23 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
24 section 3295.

25 Subject to the above specific objections and Perfect 10's general objections,
26 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
27 returns, as well as statements from the brokerage and bank accounts listed in the
28

1 2014 tax return, which show the approximate amount of cash and cash equivalents
2 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
3 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
4 he had very little interest or dividend income over that period, along with a tax loss
5 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
6 statements from December of 2012 to March of 2015. He will supplement the
7 production of credit card statements that have already been produced, through
8 January of 2017. He will not produce other documents, which violate his privacy
9 and are not relevant to this case.

10 **Request for Production No. 20**

11 All documents concerning accounts of, or for the benefit of, Norman Zada.

12 **Response to Request for Production No. 20**

13 Perfect 10 incorporates the General Objections as set forth above and notes
14 that it has already produced most if not all of the discovery requested (see
15 paragraph 18) herein.

16 Perfect 10 objects to this request on the grounds that it is compound, and also
17 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
18 burdensome, wildly oppressive and vastly overbroad, as it is indefinite as to time.
19 Perfect 10 further objects to this request as it seeks the disclosure of information
20 protected from discovery by the attorney-client privilege and the attorney work
21 product doctrine. Perfect 10 further objects to this request on the grounds that it
22 seeks information not relevant to the subject matter of the action, and not
23 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
24 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
25 is prohibited by California Civil Code section 3295.

26 Subject to the above specific objections and Perfect 10's general objections,
27 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
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1 returns, as well as statements from the brokerage and bank accounts listed in the
2 2014 tax return, which show the approximate amount of cash and cash equivalents
3 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
4 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
5 he had very little interest or dividend income over that period, along with a tax loss
6 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
7 statements from December of 2012 to March of 2015. He will supplement the
8 production of credit card statements that have already been produced, through
9 January of 2017. He will not produce other documents, which violate his privacy
10 and are not relevant to this case.

11 **Request for Production No. 22**

12 All documents concerning the finances and financial statements of any entity,
13 business, investment, or activities in which Norman Zada has a direct or indirect,
14 actual or contingent, legal, beneficial, or equitable interest (including but not
15 limited to ledgers, accounting records or bookkeeping records, balance sheets,
16 profit and loss statements, earnings statements, reconciliation reports and operating
17 statements in any format, including computerized, digitized, other media, or paper).

18 **Response to Request for Production No. 22**

19 Perfect 10 incorporates the General Objections as set forth above and notes
20 that it has already produced most if not all of the discovery requested (see
21 paragraph 18) herein.

22 Perfect 10 objects to this request on the grounds that it is compound, and also
23 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
24 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
25 request as it seeks the disclosure of information protected from discovery by the
26 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
27 objects to this request on the grounds that it seeks information not relevant to the
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1 subject matter of the action, and not reasonably calculated to lead to the discovery
2 of admissible evidence. Perfect 10 objects to this request on the grounds that it
3 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
4 section 3295.

5 Subject to the above specific objections and Perfect 10's general objections,
6 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
7 returns, as well as statements from the brokerage and bank accounts listed in the
8 2014 tax return, which show the approximate amount of cash and cash equivalents
9 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
10 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
11 he had very little interest or dividend income over that period, along with a tax loss
12 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
13 statements from December of 2012 to March of 2015. He will supplement the
14 production of credit card statements that have already been produced, through
15 January of 2017. He will not produce other documents, which violate his privacy
16 and are not relevant to this case.

17 **Request for Production No. 24**

18 All documents concerning all contracts or agreements for the benefit of
19 Norman Zada, in the possession of Norman Zada, or to which Norman Zada is or
20 ever has been a party, a beneficiary, a successor in interest, or a predecessor in
21 interest.

22 **Response to Request for Production No. 24**

23 Perfect 10 incorporates the General Objections as set forth above and notes
24 that it has already produced most if not all of the discovery requested (see
25 paragraph 18) herein.

26 Perfect 10 objects to this request on the grounds that it is compound, and also
27 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
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1 burdensome, wildly oppressive and vastly overbroad as there is no time limitation.
2 Perfect 10 further objects to this request as it seeks the disclosure of information
3 protected from discovery by the attorney-client privilege and the attorney work
4 product doctrine. Perfect 10 further objects to this request on the grounds that it
5 seeks information not relevant to the subject matter of the action, and not
6 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
7 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
8 is prohibited by California Civil Code section 3295.

9 Subject to the above specific objections and Perfect 10's general objections,
10 Perfect 10 responds as follows: Perfect 10 has already produced contracts between
11 Perfect 10 and Dr. Zada and relevant corporate minutes. It will not produce
12 documents involving agreements between Dr. Zada and third parties that have no
13 relevance to this case.

14 **Request for Production No. 25**

15 All documents concerning communications since January 1, 2011, between
16 Norman Zada and Sean Chumura.

17 **Response to Request for Production No. 25**

18 Perfect 10 incorporates the General Objections as set forth above and notes
19 that it has already produced most if not all of the discovery requested (see
20 paragraph 18) herein.

21 Perfect 10 objects to this request on the grounds that it is compound, and also
22 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
23 burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to
24 this request as it seeks the disclosure of information protected from discovery by
25 the attorney-client privilege and the attorney work product doctrine. Perfect 10
26 further objects to this request on the grounds that it seeks information not relevant
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1 to the subject matter of the action, and not reasonably calculated to lead to the
2 discovery of admissible evidence.

3 Perfect 10 objects to this request on the grounds that violates Dr. Zada's
4 privacy.

5 **Request for Production No. 26**

6 All documents concerning communications since January 1, 2011, between
7 Norman Zada and Bruce Hersh.

8 **Response to Request for Production No. 26**

9 Perfect 10 incorporates the General Objections as set forth above and notes
10 that it has already produced most if not all of the discovery requested (see
11 paragraph 18) herein.

12 Perfect 10 objects to this request on the grounds that it is compound, and also
13 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
14 burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to
15 this request as it seeks the disclosure of information protected from discovery by
16 the attorney-client privilege and the attorney work product doctrine. Perfect 10
17 further objects to this request on the grounds that it seeks information not relevant
18 to the subject matter of the action, and not reasonably calculated to lead to the
19 discovery of admissible evidence. Perfect 10 objects to this request on the grounds
20 that violates Dr. Zada's privacy, as Bruce Hersh prepares Dr. Zada's taxes.

21 **Request for Production No. 27**

22 All documents concerning communications since January 1, 2011, between
23 Norman Zada and Victor Weber.

24 **Response to Request for Production No. 27**

25 Perfect 10 incorporates the General Objections as set forth above and notes
26 that it has already produced most if not all of the discovery requested (see
27 paragraph 18) herein.

1 Perfect 10 objects to this request on the grounds that it is compound, and also
2 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
3 burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to
4 this request as it seeks the disclosure of information protected from discovery by
5 the attorney-client privilege and the attorney work product doctrine. Perfect 10
6 further objects to this request on the grounds that it seeks information not relevant
7 to the subject matter of the action, and not reasonably calculated to lead to the
8 discovery of admissible evidence. Perfect 10 objects to this request on the grounds
9 that violates Dr. Zada's privacy.

10 **Request for Production No. 29**

11 All documents concerning employment by Perfect 10 of any person since
12 January 1, 2011.

13 **Response to Request for Production No. 29**

14 Perfect 10 incorporates the General Objections as set forth above and notes
15 that it has already produced most if not all of the discovery requested (see
16 paragraph 18) herein.

17 Perfect 10 objects to this request on the grounds that it is compound, and also
18 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
19 burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to
20 this request as it seeks the disclosure of information protected from discovery by
21 the attorney-client privilege and the attorney work product doctrine. Perfect 10
22 further objects to this request on the grounds that it seeks information not relevant
23 to the subject matter of the action, and not reasonably calculated to lead to the
24 discovery of admissible evidence.

25 **Request for Production No. 30**

26 All documents concerning employment by Norman Zada of any person since
27 January 1, 2011.

Response to Request for Production No. 30

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 further objects to this request because it violates Dr. Zada's privacy.

Request for Production No. 31

All documents concerning guarantees by, for, or arranged by Perfect 10 since January 1, 2011.

Response to Request for Production No. 31

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the

1 subject matter of the action, and not reasonably calculated to lead to the discovery
2 of admissible evidence.

3 Subject to the above specific objections and Perfect 10's general objections,
4 Perfect 10 responds as follows: Perfect 10 is not aware of any non-privileged,
5 responsive documents.

6 **Request for Production No. 32**

7 All documents concerning guarantees by, for, or arranged by Norman Zada
8 since January 1, 2011.

9 **Response to Request for Production No. 32**

10 Perfect 10 incorporates the General Objections as set forth above and notes
11 that it has already produced most if not all of the discovery requested (see
12 paragraph 18) herein.

13 Perfect 10 objects to this request on the grounds that it is compound, and also
14 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
15 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
16 request as it seeks the disclosure of information protected from discovery by the
17 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
18 objects to this request on the grounds that it seeks information not relevant to the
19 subject matter of the action, and not reasonably calculated to lead to the discovery
20 of admissible evidence. Perfect 10 further objects to this request because it violates
21 Dr. Zada's privacy.

22 Subject to the above specific objections and Perfect 10's general objections,
23 Perfect 10 responds as follows: Perfect 10 is not aware of any non-privileged,
24 responsive documents.

1 **Request for Production No. 33**

2 All documents concerning partnerships, limited liability companies, trusts,
3 joint ventures, or other Persons in which Perfect 10 has ever had an interest or has
4 participated.

5 **Response to Request for Production No. 33**

6 Perfect 10 incorporates the General Objections as set forth above and notes
7 that it has already produced most if not all of the discovery requested (see
8 paragraph 18) herein.

9 Perfect 10 objects to this request on the grounds that it is compound, and also
10 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
11 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
12 request as it seeks the disclosure of information protected from discovery by the
13 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
14 objects to this request on the grounds that it seeks information not relevant to the
15 subject matter of the action, and not reasonably calculated to lead to the discovery
16 of admissible evidence. Perfect 10 further objects to this request because it violates
17 Dr. Zada's privacy.

18 Subject to the above specific objections and Perfect 10's general objections,
19 Perfect 10 responds as follows: Perfect 10 is not aware of any non-privileged,
20 responsive documents.

21 **Request for Production No. 34**

22 All documents concerning partnerships, limited liability companies, trusts,
23 joint ventures, or other Persons in which Norman Zada has ever had an interest or
24 has participated.

Response to Request for Production No. 34

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, wildly oppressive and vastly overbroad as it is unlimited as to time. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of privacy and is prohibited by California Civil Code section 3295.

Request for Production No. 38

All documents concerning Perfect 10's parent companies, subsidiary companies, affiliated companies, companies under common ownership, predecessors in interest, and successors in interest.

Response to Request for Production No. 38

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of

1 the action, and not reasonably calculated to lead to the discovery of admissible
2 evidence.

3 Subject to the above specific objections and Perfect 10's general objections,
4 Perfect 10 responds as follows: Perfect 10 is not aware of any responsive
5 documents.

6 **Request for Production No. 39**

7 All documents concerning insurance policies or coverage (including but not
8 limited to homeowners insurance, commercial (or comprehensive) general liability
9 insurance, media perils insurance, cyberliability insurance, network risk insurance,
10 umbrella or excess insurance, car insurance, renters insurance, life insurance, health
11 (including dental and vision) insurance, disability insurance, unemployment
12 insurance, long-term care insurance), in which Perfect 10 or Norman Zada is an
13 insured (including as a named or additional insured), for which Perfect 10 or
14 Norman Zada has paid any premiums, or in which Perfect 10 or Norman Zada is a
15 beneficiary.

16 **Response to Request for Production No. 39**

17 Perfect 10 incorporates the General Objections as set forth above and notes
18 that it has already produced most if not all of the discovery requested (see
19 paragraph 18) herein.

20 Perfect 10 objects to this request on the grounds that it is compound, and also
21 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
22 burdensome, wildly oppressive and vastly overbroad, as it is not limited as to time.
23 Perfect 10 further objects to this request on the grounds that it seeks information not
24 relevant to the subject matter of the action, and not reasonably calculated to lead to
25 the discovery of admissible evidence. Perfect 10 further objects to this request
26 because it violates Dr. Zada's privacy.

1 Subject to the above specific objections and Perfect 10's general objections,
2 Perfect 10 responds as follows: Perfect 10 and Dr. Zada have already contacted
3 their insurance companies and determined that the policies did not cover Plaintiff's
4 claims in this or the related case. However, Perfect 10 will produce copies of
5 insurance policies that it can locate upon a reasonable search.

6 **Request for Production No. 41**

7 All documents evidencing Norman Zada's income, revenues, disbursements,
8 expenses, profits, and losses from January 1, 2011 to present.

9 **Response to Request for Production No. 41**

10 Perfect 10 incorporates the General Objections as set forth above and notes
11 that it has already produced most if not all of the discovery requested (see
12 paragraph 18) herein.

13 Perfect 10 objects to this request on the grounds that it is compound, and also
14 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
15 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
16 request as it seeks the disclosure of information protected from discovery by the
17 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
18 objects to this request on the grounds that it seeks information not relevant to the
19 subject matter of the action, and not reasonably calculated to lead to the discovery
20 of admissible evidence. Perfect 10 objects to this request on the grounds that it
21 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
22 section 3295.

23 Subject to the above specific objections and Perfect 10's general objections,
24 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
25 returns, as well as statements from the brokerage and bank accounts listed in the
26 2014 tax return, which show the approximate amount of cash and cash equivalents
27 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
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1 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
2 he had very little interest or dividend income over that period, along with a tax loss
3 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
4 statements from December of 2012 to March of 2015. He will supplement the
5 production of credit card statements that have already been produced, through
6 January of 2017. He will not produce other documents, which violate his privacy
7 and are not relevant to this case.

8 **Request for Production No. 42**

9 All documents evidencing income, revenues, disbursements, expenses,
10 profits, and losses of any entity or business in which Norman Zada had a direct,
11 indirect, or beneficial interest at any time from January 1, 2011 to present.

12 **Response to Request for Production No. 42**

13 Perfect 10 incorporates the General Objections as set forth above and notes
14 that it has already produced most if not all of the discovery requested (see
15 paragraph 18) herein.

16 Perfect 10 objects to this request on the grounds that it is compound, and also
17 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
18 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
19 request as it seeks the disclosure of information protected from discovery by the
20 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
21 objects to this request on the grounds that it seeks information not relevant to the
22 subject matter of the action, and not reasonably calculated to lead to the discovery
23 of admissible evidence. Perfect 10 objects to this request on the grounds that it
24 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
25 section 3295.

26 Subject to the above specific objections and Perfect 10's general objections,
27 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
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1 returns, as well as statements from the brokerage and bank accounts listed in the
2 2014 tax return, which show the approximate amount of cash and cash equivalents
3 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
4 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
5 he had very little interest or dividend income over that period, along with a tax loss
6 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
7 statements from December of 2012 to March of 2015. He will supplement the
8 production of credit card statements that have already been produced, through
9 January of 2017. He will not produce other documents, which violate his privacy
10 and are not relevant to this case.

11 **Request for Production No. 44**

12 All documents concerning assets acquired by any Person with proceeds from
13 Perfect 10.

14 **Response to Request for Production No. 44**

15 Perfect 10 incorporates the General Objections as set forth above and notes
16 that it has already produced most if not all of the discovery requested (see
17 paragraph 18) herein.

18 Perfect 10 objects to this request on the grounds that it is compound, and also
19 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
20 burdensome, wildly oppressive and vastly overbroad, as it is unlimited as to time.
21 Perfect 10 objects to this request on the basis that it does not specify the documents
22 sought with particularity. Perfect 10 further objects to this request on the grounds
23 that it seeks information not relevant to the subject matter of the action, and not
24 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
25 further objects to this request because it is duplicative of other previous requests
26 and current requests. Perfect 10 objects to this request on the grounds that it

1 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
2 section 3295.

3 Subject to the above specific objections and Perfect 10's general objections,
4 Perfect 10 responds as follows:

5 To the extent that Perfect 10 understands this confusing request, it is not aware of
6 any responsive documents.

7 **Request for Production No. 45**

8 All documents concerning contracts, agreements, receipts, payments, sales,
9 purchases, distributions, transfers, loans, leases, pledges, hypothecations, bailments,
10 rentals, leases, loans, mortgages, securities, investments, collateral, and other
11 transactions involving, to, by, for, for the benefit of, or on behalf of Perfect 10 or
12 Norman Zada, regarding anything of value (including but not limited to drafts,
13 execution documents, transmittals, communications, records, receipts, bills of sale,
14 purchase orders, invoices, letters of credit, loan documents, bank statements, credit
15 card statements, bank reconciliation reports, check registers, deposit slips,
16 duplicates, facsimiles, photocopies, and cancelled checks) from January 1, 2011 to
17 present.

18 **Response to Request for Production No. 45**

19 Perfect 10 incorporates the General Objections as set forth above and notes
20 that it has already produced most if not all of the discovery requested (see
21 paragraph 18) herein.

22 Perfect 10 objects to this request on the grounds that it is compound, and also
23 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
24 burdensome, wildly oppressive and vastly overbroad. Perfect 10 further objects to
25 this request as it seeks the disclosure of information protected from discovery by
26 the attorney-client privilege and the attorney work product doctrine. Perfect 10
27 further objects to this request on the grounds that it seeks information not relevant
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1 to the subject matter of the action, and not reasonably calculated to lead to the
2 discovery of admissible evidence. Perfect 10 objects to this request on the grounds
3 that it violates Dr. Zada's right of privacy and is prohibited by California Civil
4 Code section 3295.

5 Subject to the above specific objections and Perfect 10's general objections,
6 Perfect 10 responds as follows: Perfect 10 has already provided its tax returns,
7 detailed financial statements showing every transaction, and bank accounts going
8 back from at least 2014 to 1996, which is far more than Plaintiffs ever did, as they
9 have consistently refused to provide similar discovery. To the extent that there are
10 additional bank statements, tax returns, etc. that have not already been produced,
11 they will be produced. Dr. Zada will also supplement the production of his personal
12 credit card statements so that they extend to January of 2017. Perfect 10 will also
13 attempt to supplement its production of cancelled checks. However, the rest of this
14 request was clearly done to vex and harass, asks for materials that are irrelevant
15 and/or violate Dr. Zada's privacy, and will not be provided.

16 **Request for Production No. 47**

17 All documents concerning receipts by Norman Zada of anything of value or
18 tokens of anything of value for the benefit of any other person or entity.

19 **Response to Request for Production No. 47**

20 Perfect 10 incorporates the General Objections as set forth above and notes
21 that it has already produced most if not all of the discovery requested (see
22 paragraph 18) herein.

23 Perfect 10 objects to this request on the grounds that it is compound, and also
24 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
25 burdensome, wildly oppressive and vastly overbroad, as there is no limitation on
26 time. Perfect 10 further objects to this request as it seeks the disclosure of
27 information protected from discovery by the attorney-client privilege and the
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1 attorney work product doctrine. Perfect 10 further objects to this request on the
2 grounds that it seeks information not relevant to the subject matter of the action,
3 and not reasonably calculated to lead to the discovery of admissible evidence.
4 Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of
5 privacy and is prohibited by California Civil Code section 3295.

6 Subject to the above specific objections and Perfect 10's general objections,
7 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
8 returns, as well as statements from the brokerage and bank accounts listed in the
9 2014 tax return, which show the approximate amount of cash and cash equivalents
10 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
11 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
12 he had very little interest or dividend income over that period, along with a tax loss
13 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
14 statements from December of 2012 to March of 2015. He will supplement the
15 production of credit card statements that have already been produced, through
16 January of 2017. He will not produce other documents, which violate his privacy
17 and are not relevant to this case.

18 **Request for Production No. 49**

19 All documents concerning values of any entity or business, or any segment,
20 asset or liability thereof (including but not limited to documents concerning formal
21 or informal appraisals, valuations, estimates of value, suggested prices or values,
22 market prices, offers or demands, proposals, invitations, or pro forma indications or
23 characterizations of value), directly or beneficially owned by Norman Zada.

24 **Response to Request for Production No. 49**

25 Perfect 10 incorporates the General Objections as set forth above and notes
26 that it has already produced most if not all of the discovery requested (see
27 paragraph 18) herein.

1 Perfect 10 objects to this request on the grounds that it is compound, and also
2 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
3 burdensome, wildly oppressive and vastly overbroad, as it is not limited as to time.
4 Perfect 10 further objects to this request on the grounds that it seeks information not
5 relevant to the subject matter of the action, and not reasonably calculated to lead to
6 the discovery of admissible evidence. Perfect 10 objects to this request on the
7 grounds that it violates Dr. Zada's right of privacy and is prohibited by California
8 Civil Code section 3295.

9 **Request for Production No. 50**

10 All documents concerning any credit of Perfect 10 or Norman Zada
11 (including but not limited to credit lines, credit limits, retainers, deposits,
12 prepayments, and security for payment).

13 **Response to Request for Production No. 50**

14 Perfect 10 incorporates the General Objections as set forth above and notes
15 that it has already produced most if not all of the discovery requested (see
16 paragraph 18) herein.

17 Perfect 10 objects to this request on the grounds that it is compound, and also
18 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
19 burdensome, wildly oppressive and vastly overbroad, as it is indefinite as to time.
20 Perfect 10 further objects to this request as it seeks the disclosure of information
21 protected from discovery by the attorney-client privilege and the attorney work
22 product doctrine. Perfect 10 further objects to this request on the grounds that it
23 seeks information not relevant to the subject matter of the action, and not
24 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
25 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
26 is prohibited by California Civil Code section 3295.

1 Subject to the above specific objections and Perfect 10's general objections,
2 Perfect 10 responds as follows: Perfect 10 has already provided its tax returns,
3 detailed financial statements showing every transaction, and bank accounts going
4 back from at least 2014 to 1996, which is far more than Plaintiffs ever did, as they
5 have consistently refused to provide similar discovery. Dr. Zada will be producing
6 his 2014, 2015, and 2016 tax returns, as well as brokerage and bank statements at
7 the end of 2014. He will also produce copies of his personal bank statements from
8 December of 2012 to March of 2015. He will supplement the production of credit
9 card statements that have already been produced, through January of 2017. To the
10 extent that there are additional Perfect 10 bank statements, tax returns, etc. that
11 have not already been produced, they will be produced. Perfect 10 will also attempt
12 to supplement its production of cancelled checks. However, the rest of this request
13 was clearly done to vex and harass, asks for materials that are irrelevant and/or
14 violate Dr. Zada's privacy going back years, and will not be provided.

15 **Request for Production No. 51**

16 All documents concerning all credit cards and credit card accounts used by
17 any Person for the benefit of Perfect 10 or Norman Zada.

18 **Response to Request for Production No. 51**

19 Perfect 10 incorporates the General Objections as set forth above and notes
20 that it has already produced most if not all of the discovery requested (see
21 paragraph 18) herein.

22 Perfect 10 objects to this request on the grounds that it is compound, and also
23 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
24 burdensome, wildly oppressive and vastly overbroad, as it is not limited as to time.
25 Perfect 10 further objects to this request on the grounds that it seeks information not
26 relevant to the subject matter of the action, and not reasonably calculated to lead to
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1 the discovery of admissible evidence. Perfect 10 further objects to this request
2 because it violates Dr. Zada's privacy.

3 Perfect 10 incorporates the General Objections as set forth above and notes
4 that it has already produced most if not all of the discovery requested (see
5 paragraph 18) herein.

6 Subject to the above specific objections and Perfect 10's general objections,
7 Perfect 10 responds as follows: Perfect 10 has already provided its tax returns,
8 detailed financial statements showing every transaction, and bank accounts going
9 back from at least 2014 to 1996, which is far more than Plaintiffs ever did, as they
10 have consistently refused to provide similar discovery. Dr. Zada will be producing
11 his 2014, 2015, and 2016 tax returns, as well as brokerage and bank statements at
12 the end of 2014. He will also produce copies of his personal bank statements from
13 December of 2012 to March of 2015. He will supplement the production of credit
14 card statements that have already been produced, through January of 2017. To the
15 extent that there are additional Perfect 10 bank statements, tax returns, etc. that
16 have not already been produced, they will be produced. However, the rest of this
17 request was clearly done to vex and harass, asks for materials that are irrelevant
18 and/or violate Dr. Zada's privacy going back years, and will not be provided.

19 **Request for Production No. 52**

20 All documents concerning any debts of, or debt collection efforts against or
21 by, Perfect 10 or Norman Zada.

22 **Response to Request for Production No. 52**

23 Perfect 10 incorporates the General Objections as set forth above and notes
24 that it has already produced most if not all of the discovery requested (see
25 paragraph 18) herein.

26 Perfect 10 objects to this request on the grounds that it is compound, and also
27 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
28

1 burdensome, wildly oppressive and vastly overbroad, as it is not limited as to time.
2 Perfect 10 further objects to this request on the grounds that it seeks information not
3 relevant to the subject matter of the action, and not reasonably calculated to lead to
4 the discovery of admissible evidence. Perfect 10 further objects to this request
5 because it violates Dr. Zada's privacy.

6 Subject to the above specific objections and Perfect 10's general objections,
7 Perfect 10 responds as follows: Perfect 10 has only two creditors, Plaintiffs and Dr.
8 Zada. Dr. Zada does not have any debts, other than routine credit card bills and
9 other routine expenses.

10 **Request for Production No. 53**

11 All documents concerning any expenses of Perfect 10 or Norman Zada,
12 including prepaid expenses and accrued expenses.

13 **Response to Request for Production No. 53**

14 Perfect 10 incorporates the General Objections as set forth above and notes
15 that it has already produced most if not all of the discovery requested (see
16 paragraph 18) herein.

17 Perfect 10 objects to this request on the grounds that it is compound, and also
18 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
19 burdensome, wildly oppressive and vastly overbroad, as it is not limited as to time.
20 Perfect 10 further objects to this request on the grounds that it seeks information not
21 relevant to the subject matter of the action, and not reasonably calculated to lead to
22 the discovery of admissible evidence. Perfect 10 further objects to this request
23 because it violates Dr. Zada's privacy.

24 Perfect 10 incorporates the General Objections as set forth above and notes
25 that it has already produced most if not all of the discovery requested (see
26 paragraph 18) herein.

1 Perfect 10 objects to this request on the grounds that it is compound, and also
2 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
3 burdensome, wildly oppressive and vastly overbroad, as it is indefinite as to time.
4 Perfect 10 further objects to this request as it seeks the disclosure of information
5 protected from discovery by the attorney-client privilege and the attorney work
6 product doctrine. Perfect 10 further objects to this request on the grounds that it
7 seeks information not relevant to the subject matter of the action, and not
8 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
9 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
10 is prohibited by California Civil Code section 3295.

11 Subject to the above specific objections and Perfect 10's general objections,
12 Perfect 10 responds as follows: Perfect 10 has already provided its tax returns,
13 detailed financial statements showing every transaction, and bank accounts going
14 back from at least 2014 to 1996, which is far more than Plaintiffs ever did, as they
15 have consistently refused to provide similar discovery. Dr. Zada will be producing
16 his 2014, 2015, and 2016 tax returns, as well as brokerage and bank statements at
17 the end of 2014. He will also produce copies of his personal bank statements from
18 December of 2012 to March of 2015. He will supplement the production of credit
19 card statements that have already been produced, through January of 2017. To the
20 extent that there are additional Perfect 10 bank statements, tax returns, etc. that
21 have not already been produced, they will be produced. However, the rest of this
22 request was clearly done to vex and harass, asks for materials that are irrelevant
23 and/or violate Dr. Zada's privacy going back years, and will not be provided.

24 **Request for Production No. 55**

25 All documents concerning all credit cards and credit card accounts in the
26 name of Perfect 10 or Norman Zada and used for the benefit of any Person.
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Response to Request for Production No. 55

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, wildly oppressive and vastly overbroad, as it is indefinite as to time. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of privacy and is prohibited by California Civil Code section 3295.

Subject to the above specific objections and Perfect 10's general objections, Perfect 10 responds as follows: Perfect 10 has already provided its tax returns, detailed financial statements showing every transaction, and bank accounts going back from at least 2014 to 1996, which is far more than Plaintiffs ever did, as they have consistently refused to provide similar discovery. Dr. Zada will be producing his 2014, 2015, and 2016 tax returns, as well as brokerage and bank statements at the end of 2014. He will also produce copies of his personal bank statements from December of 2012 to March of 2015. He will supplement the production of credit card statements that have already been produced, through January of 2017. To the extent that there are additional Perfect 10 bank statements, tax returns, etc. that have not already been produced, they will be produced. However, the rest of this request was clearly done to vex and harass, asks for materials that are irrelevant and/or violate Dr. Zada's privacy going back years, and will not be provided.

1 **Request for Production No. 57**

2 All documents concerning real property owned, occupied, possessed,
3 controlled, leased, rented, or used by Perfect 10 or Norman Zada (including persons
4 acting as their employees, contractors, or agents) since January 1, 2011.

5 **Response to Request for Production No. 57**

6 Perfect 10 incorporates the General Objections as set forth above and notes
7 that it has already produced most if not all of the discovery requested (see
8 paragraph 18) herein.

9 Perfect 10 objects to this request on the grounds that it is compound, and also
10 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
11 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
12 request as it seeks the disclosure of information protected from discovery by the
13 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
14 objects to this request on the grounds that it seeks information not relevant to the
15 subject matter of the action, and not reasonably calculated to lead to the discovery
16 of admissible evidence. Perfect 10 objects to this request on the grounds that it
17 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
18 section 3295.

19 Subject to the above specific objections and Perfect 10's general objections,
20 Perfect 10 responds as follows: Perfect 10 has already agreed to produce documents
21 regarding its furniture and computers, and Dr. Zada desk, to the extent they have
22 not already been produced. Dr. Zada owns two properties. One at 11803 Norfield
23 Court, and one at 4572 Martson Dr. in Encino, which he purchased in June of 2015.
24 The rest of this request will not be answered as it is irrelevant to issue of unlawful
25 reconveyance and violates Dr. Zada's privacy.

1 **Request for Production No. 58**

2 All documents concerning personal property owned, possessed, controlled,
3 leased, rented, lent, borrowed, or used by Perfect 10 or Norman Zada (including by
4 persons acting as employees, contractors, or agents of Perfect 10 or Norman Zada)
5 since January 1, 2011 (including but not limited to documents concerning
6 transactions concerning personal property and locations of personal property).

7 **Response to Request for Production No. 58**

8 Perfect 10 incorporates the General Objections as set forth above and notes
9 that it has already produced most if not all of the discovery requested (see
10 paragraph 18) herein.

11 Perfect 10 objects to this request on the grounds that it is compound, and also
12 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
13 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
14 request as it seeks the disclosure of information protected from discovery by the
15 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
16 objects to this request on the grounds that it seeks information not relevant to the
17 subject matter of the action, and not reasonably calculated to lead to the discovery
18 of admissible evidence. Perfect 10 objects to this request on the grounds that it
19 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
20 section 3295.

21 Subject to the above specific objections and Perfect 10's general objections,
22 Perfect 10 responds as follows: Perfect 10 has already agreed to produce documents
23 regarding its furniture and computers, and Dr. Zada desk, to the extent they have
24 not already been produced. Dr. Zada owns two properties. One at 11803 Norfield
25 Court, and one at 4572 Martson Dr. in Encino, which he purchased in June of 2015.
26 The rest of this request will not be answered as it is irrelevant to issue of unlawful
27 reconveyance and violates Dr. Zada's privacy.

1 **Request for Production No. 59**

2 All documents concerning any interests of Perfect 10 or Norman Zada in any
3 things of value.

4 **Response to Request for Production No. 59**

5 Perfect 10 incorporates the General Objections as set forth above and notes
6 that it has already produced most if not all of the discovery requested (see
7 paragraph 18) herein.

8 Perfect 10 objects to this request on the grounds that it is compound, and also
9 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
10 burdensome, wildly oppressive and vastly overbroad, as it is indefinite as to time.
11 Perfect 10 further objects to this request as it seeks the disclosure of information
12 protected from discovery by the attorney-client privilege and the attorney work
13 product doctrine. Perfect 10 further objects to this request on the grounds that it
14 seeks information not relevant to the subject matter of the action, and not
15 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
16 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
17 is prohibited by California Civil Code section 3295.

18 Subject to the above specific objections and Perfect 10's general objections,
19 Perfect 10 responds as follows: Perfect 10 has already provided its tax returns,
20 detailed financial statements showing every transaction, and bank accounts going
21 back from at least 2013 to 1996, which is far more than Plaintiffs ever did, as they
22 have consistently refused to provide similar discovery. Dr. Zada will be producing
23 his 2014, 2015, and 2016 tax returns, as well as brokerage and bank statements at
24 the end of 2014. To the extent that there are additional Perfect 10 bank statements,
25 tax returns, etc. that have not already been produced, they will be produced.
26 However, the rest of this request was clearly done to vex and harass, asks for
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1 materials that are irrelevant and/or violate Dr. Zada's privacy going back years, and
2 will not be provided.

3 **Request for Production No. 60**

4 All documents concerning any safe or strongbox, storage facility, or their
5 contents, located at 11803 Norwood Court, Los Angeles, CA; 72 Beverly Park
6 Drive, Beverly Hills, CA; or at any other location or premises occupied, used,
7 controlled, or available to Perfect 10 or any Perfect 10 employee or contractor.

8 **Response to Request for Production No. 60**

9 Perfect 10 incorporates the General Objections as set forth above and notes
10 that it has already produced most if not all of the discovery requested (see
11 paragraph 18) herein.

12 Perfect 10 objects to this request on the grounds that it is compound. Perfect
13 10 objects to this request on the grounds that it is wildly burdensome, oppressive
14 and vastly overbroad, as it is unlimited as to time. Perfect 10 further objects to this
15 request on the grounds that it seeks information not relevant to the subject matter of
16 the action, and not reasonably calculated to lead to the discovery of admissible
17 evidence. Perfect 10's bank statements show that no cash was ever removed from
18 the Perfect 10 bank account, meaning that any cash in Dr. Zada's safe is Dr. Zada's.
19 Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of
20 privacy and is prohibited by California Civil Code section 3295.

21 **Request for Production No. 61**

22 All documents concerning any safe deposit box, storage facility, or their
23 contents, controlled by Perfect 10 or Norman Zada, used for their property or
24 benefit, or accessible to any of their employees or contractors.

Response to Request for Production No. 61

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound. Perfect 10 objects to this request on the grounds that it is wildly burdensome, oppressive and vastly overbroad, as it is unlimited as to time. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10's bank statements show that no cash was ever removed from the Perfect 10 bank account, meaning that any cash in Dr. Zada's safe is Dr. Zada's. Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of privacy and is prohibited by California Civil Code section 3295.

Request for Production No. 62

All documents concerning personal property of any Person at any address of property occupied or used by Perfect 10 at any time, including but not limited to currency; specie; bullion; commodities; gold, silver, or other precious metals; jewelry (including watches) and gemstones; securities (including but not limited to bearer securities); certificates (including certificates of deposit); firearms and other weapons; gaming tokens and casino chips; or evidence of indebtedness.

Response to Request for Production No. 62

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound. Perfect 10 objects to this request on the grounds that it is wildly burdensome, oppressive and vastly overbroad, as it is unlimited as to time. Perfect 10 further

1 objects to this request on the grounds that it seeks information not relevant to the
2 subject matter of the action, and not reasonably calculated to lead to the discovery
3 of admissible evidence. Perfect 10's bank statements show that no cash was ever
4 removed from the Perfect 10 bank account, and no monies were ever spent to
5 purchase gold, meaning that any cash or gold in Dr. Zada's safe is Dr. Zada's.
6 Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of
7 privacy and is prohibited by California Civil Code section 3295.

8 **Request for Production No. 63**

9 All documents concerning Bitcoin or other cryptocurrency and either Perfect
10 10 or Norman Zada.

11 **Response to Request for Production No. 63**

12 Perfect 10 is not aware of any responsive documents.

13 **Request for Production No. 64**

14 All documents not previously produced to Giganews or Livewire, concerning
15 copyrights, patents, trademarks, domain names, publicity rights, trade secrets,
16 domain names, or other intangible rights or interests owned, controlled,
17 administered, managed, possessed, used, commercialized, monetized, exploited,
18 transferred, licensed, hypothecated, pledged, or otherwise acted upon by Perfect 10
19 or Norman Zada.

20 **Response to Request for Production No. 64**

21 Perfect 10 incorporates the General Objections as set forth above and notes
22 that it has already produced most if not all of the discovery requested (see
23 paragraph 18) herein.

24 Perfect 10 objects to this request on the grounds that it is compound. Perfect
25 10 objects to this request on the grounds that it is burdensome, oppressive and
26 vastly overbroad. Perfect 10 further objects to this request on the grounds that it
27 seeks information not relevant to the subject matter of the action, and not
28

1 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
2 objects to this request on the grounds that it violates Dr. Zada's right of privacy and
3 is prohibited by California Civil Code section 3295.

4 Subject to the above specific objections and Perfect 10's general objections,
5 Perfect 10 responds as follows: Perfect 10 is not aware of any response,
6 nonprivileged documents that have not already been produced.

7 **Request for Production No. 65**

8 All documents concerning communications with any accountant, auditor, tax
9 professional, asset protection advisor, financial institution, creditor, or debt
10 collector of Perfect 10 or Norman Zada.

11 **Response to Request for Production No. 65**

12 Perfect 10 incorporates the General Objections as set forth above and notes
13 that it has already produced most if not all of the discovery requested (see
14 paragraph 18) herein.

15 Perfect 10 objects to this request on the grounds that it is compound. Perfect
16 10 objects to this request on the grounds that it is burdensome, wildly oppressive
17 and vastly overbroad as it is unlimited as to time. Perfect 10 further objects to this
18 request on the grounds that it seeks information not relevant to the subject matter of
19 the action, and not reasonably calculated to lead to the discovery of admissible
20 evidence. Perfect 10 objects to this request on the grounds that it violates Dr.
21 Zada's right of privacy and is prohibited by California Civil Code section 3295.

22 Subject to the above specific objections and Perfect 10's general objections, Perfect
23 10 responds as follows: Perfect 10 has already provided most of its tax returns and
24 will supplement that production. Perfect 10 is not aware of any creditors of Perfect
25 10 other than plaintiffs. Dr. Zada does not currently owe anyone money to his
26 knowledge.

Request for Production No. 67

All documents concerning the tax filings in any jurisdiction of Norman Zada or any Person in which Norman Zada has had a direct or beneficial interest, from tax year 2011 to present.

Response to Request for Production No. 67

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 objects to this request on the grounds that it violates Dr. Zada's right of privacy and is prohibited by California Civil Code section 3295.

Subject to the above specific objections and Perfect 10's general objections, Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax returns, as well as statements from the brokerage and bank accounts listed in the 2014 tax return, which show the approximate amount of cash and cash equivalents he had at that time. Plaintiffs are already in possession of the first pages of Dr. Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that he had very little interest or dividend income over that period, along with a tax loss carry-forward of -\$8.581 million. He will not produce other documents, which violate his privacy and are not relevant to this case.

1 **Request for Production No. 68**

2 All documents concerning the accounting of debts of Perfect 10 or Norman
3 Zada for purposes of determining federal or state tax liability of any Person,
4 including communications with any accountant, auditor, tax professional, asset
5 protection advisor, financial institution, creditor, or debt collector.

6 **Response to Request for Production No. 68**

7 Perfect 10 incorporates the General Objections as set forth above and notes
8 that it has already produced most if not all of the discovery requested (see
9 paragraph 18) herein.

10 Perfect 10 objects to this request on the grounds that it is compound, and also
11 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
12 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
13 request as it seeks the disclosure of information protected from discovery by the
14 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
15 objects to this request on the grounds that it seeks information not relevant to the
16 subject matter of the action, and not reasonably calculated to lead to the discovery
17 of admissible evidence. Perfect 10 objects to this request on the grounds that it
18 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
19 section 3295.

20 Subject to the above specific objections and Perfect 10's general objections,
21 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
22 returns, as well as statements from the brokerage and bank accounts listed in the
23 2014 tax return, which show the approximate amount of cash and cash equivalents
24 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
25 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
26 he had very little interest or dividend income over that period, along with a tax loss
27 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
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1 statements from December of 2012 to March of 2015. He will supplement the
2 production of credit card statements that have already been produced, through
3 January of 2017. To the extent that there are additional Perfect 10 bank statements,
4 tax returns, etc. that have not already been produced, they will be produced. Dr.
5 Zada will not produce other documents, which violate his privacy and are not
6 relevant to this case.

7 **Request for Production No. 69**

8 All documents concerning the accounting of equity in Perfect 10 for purposes
9 of determining federal or state tax liability of any Person, including
10 communications with any accountant, auditor, tax professional, asset protection
11 advisor, financial institution, creditor, or debt collector.

12 **Response to Request for Production No. 69**

13 Perfect 10 incorporates the General Objections as set forth above and notes
14 that it has already produced most if not all of the discovery requested (see
15 paragraph 18) herein.

16 Perfect 10 objects to this request on the grounds that it is compound, and also
17 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
18 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
19 request as it seeks the disclosure of information protected from discovery by the
20 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
21 objects to this request on the grounds that it seeks information not relevant to the
22 subject matter of the action, and not reasonably calculated to lead to the discovery
23 of admissible evidence. Perfect 10 objects to this request on the grounds that it
24 violates Dr. Zada's right of privacy and is prohibited by California Civil Code
25 section 3295.

26 Subject to the above specific objections and Perfect 10's general objections,
27 Perfect 10 responds as follows: Dr. Zada will produce his 2014, 2015, and 2016 tax
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1 returns, as well as statements from the brokerage and bank accounts listed in the
2 2014 tax return, which show the approximate amount of cash and cash equivalents
3 he had at that time. Plaintiffs are already in possession of the first pages of Dr.
4 Zada's 2007, 2008, 2009, 2010, 2011, 2012, and 2013 tax returns, which show that
5 he had very little interest or dividend income over that period, along with a tax loss
6 carry-forward of -\$8.581 million. He will also produce copies of his personal bank
7 statements from December of 2012 to March of 2015. He will supplement the
8 production of credit card statements that have already been produced, through
9 January of 2017. To the extent that there are additional Perfect 10 bank statements,
10 tax returns, etc. that have not already been produced, they will be produced. Dr.
11 Zada will not produce other documents, which violate his privacy and are not
12 relevant to this case.

13 **Request for Production No. 70**

14 All documents concerning travel by or on behalf of Perfect 10 or Norman
15 Zada outside the United States.

16 **Response to Request for Production No. 70**

17 Perfect 10 incorporates the General Objections as set forth above and notes
18 that it has already produced most if not all of the discovery requested (see
19 paragraph 18) herein.

20 Perfect 10 objects to this request on the grounds that it is compound. Perfect
21 10 objects to this request on the grounds that it is wildly burdensome, oppressive
22 and vastly overbroad, as it is unlimited as to time. Perfect 10 further objects to this
23 request on the grounds that it seeks information not relevant to the subject matter of
24 the action, and not reasonably calculated to lead to the discovery of admissible
25 evidence. Perfect 10 objects to this request on the grounds that it violates Dr.
26 Zada's right of privacy and is prohibited by California Civil Code section 3295.

1 **Request for Production No. 74**

2 All documents concerning any automobiles owned, operated, maintained,
3 insured, or otherwise controlled by Perfect 10 or Norman Zada, including but not
4 limited to communications with any accountant, auditor, tax professional, asset
5 protection advisor, financial institution, creditor, or debt collector.

6 **Response to Request for Production No. 74**

7 Perfect 10 incorporates the General Objections as set forth above and notes
8 that it has already produced most if not all of the discovery requested (see
9 paragraph 18) herein.

10 Perfect 10 objects to this request on the grounds that it is compound. Perfect
11 10 objects to this request on the grounds that it is wildly burdensome, oppressive
12 and vastly overbroad, as it is unlimited as to time. Perfect 10 further objects to this
13 request on the grounds that it seeks information not relevant to the subject matter of
14 the action, and not reasonably calculated to lead to the discovery of admissible
15 evidence. Perfect 10 objects to this request on the grounds that it violates Dr.
16 Zada's right of privacy and is prohibited by California Civil Code section 3295.

17 Subject to the above specific objections and Perfect 10's general objections,
18 Perfect 10 responds as follows:

19 Perfect 10 will produce the pink slip for the 2009 Lexus, which shows that Dr. Zada
20 owned that car as of April 2012.

21 **Giganews and Livewire's Position**

22 These requests seek information about Defendants' assets and liabilities;
23 some also seek communications about those topics, such as communications with
24 Perfect 10's and Zada's accountant Bruce Hersh or debtors of Perfect 10 like Sean
25 Chumura. Defendants' responses all purport to withhold responsive documents
26 based on concerns regarding Mr. Zada's privacy. But the Court made clear at the
27 July 19 hearing that Plaintiffs are entitled to discover information from both Perfect
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1 10 and Zada and that it will not exclude otherwise discoverable material based on a
2 privacy objection. *See* Hearing Transcript at 9:15–25; 18:4–16; 20:12–21:2; 24:14–
3 22; 25:12–20; 26:4–7; 28:13–17; 30:20–22; 33:17–18. Zada agreed to produce
4 only a selection of his tax returns, bank statements, and credit card statements, none
5 of which reflect the full extent of his assets and liabilities, including those he held
6 for the benefit of Perfect 10. The responses indicate that both he and Perfect 10
7 have withheld additional documents based on the privacy objection.

8 **Defendants’ other objections are boilerplate and invalid.**

9 Defendants assert other boilerplate objections that merit little consideration.
10 Defendants object to every request on the grounds that it is “compound, and also
11 vague and ambiguous.” But they provide no terms or phrases they claim to find
12 confusing, nor do they explain what makes each request compound so that
13 Giganews and Livewire might respond.

14 **Defendants’ Position**

15 Once again, Plaintiffs have failed to include Defendants’ Amended responses
16 or acknowledge Dr. Zada’s extensive document production which they received on
17 August 1, 2018, a week before filing this joint stipulation. Mickelson Decl. ¶ 3, 4,
18 Ex. 1-5; Zada Decl. ¶ 2, Ex. 1. Instead, *Plaintiffs’ falsely claim* that “Zada agreed
19 to produce only a selection of his tax returns, bank statements, and credit card
20 statements, none of which reflect the full extent of his assets and liabilities,
21 including those he held for the benefit of Perfect 10. The responses indicate that
22 both he and Perfect 10 have withheld additional documents based on the privacy
23 objection.” This is patently false. Dr. Zada has produced all tax returns in his
24 possession from 2013 onward, all bank statements and bank reconciliations from
25 2013 onward. Zada Decl. ¶ 2, Ex. 1. The only documents left to produce are a few
26 statements for inactive cancelled credit cards which Dr. Zada has ordered. Zada
27 Decl. ¶ 2, Ex. 1. Once again, Defendants’ request that the Court review Defendants
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1 discovery responses, and if it determines that Plaintiffs have made repeated false
2 statements, make such a finding in its order, and sanction Plaintiffs if warranted.

3 Furthermore, as is apparent from Exhibit D to the Gregorian declaration,
4 Plaintiffs never met and conferred on any document request, in complete violation
5 of the local rules, and complete disrespect of this Court's limited resources. They
6 just filed this massive motion without making any attempt to reduce the Court's
7 burden. It appears that Plaintiffs have just listed in their motion, every request that
8 they propounded, that Defendants objected to on privacy grounds, without even
9 checking if it was already answered. This is completely improper and sanctionable.
10 Furthermore, as noted above, it is simply not correct that the Court found that all of
11 Dr. Zada's privacy objections should be overruled. The Court simply stated that its
12 current view without further briefing, was that Dr. Zada needed to provide asset
13 information as well. It did not find that all RFPs that were objected to on the basis
14 of privacy must now be answered. What Plaintiffs should have done, besides
15 meeting and conferring, which they did not do, is dramatically narrow their
16 requests, and explain why each should be answered. They have not done that for
17 even one request. For that reason alone, all of their requests should be denied. The
18 Court should not be required to waste its time attempting to determine if each
19 request should be answered, without Plaintiffs doing any of the work in providing
20 such a justification.

21 Dr. Zada, who has a heart condition, went out of his way to go far beyond the
22 Court's July 19 order, by producing virtually all information regarding his assets by
23 August 1. He did so to minimize motion practice – in vain. He produced all related
24 documents for Perfect 10 through 2018 as well. The only documents left to
25 produce are a few credit card statements for inactive cancelled cards that Dr. Zada
26 has ordered. Zada Decl. ¶ 2, Ex. 1.

1 Plaintiffs have yet to explain why any further investigation into Dr. Zada's
2 personal finances and life is necessary, when they have all of Dr. Zada's tax returns,
3 bank statements, brokerage statements, all his primary credit card statements, and
4 will soon all statements that he could reasonably obtain for inactive cancelled cards
5 from 2013 on. For example, all transfers to the parties listed in RFP 13 are
6 identified in Perfect 10 and Dr. Zada's bank statements. Why do they need
7 anything else?

8 Plaintiffs must do more than simply contend that because Defendants raised a
9 privacy objection to a particular RFP, the RFP must now be answered. They need
10 to show that the RFP has not already been answered, and explain why it is relevant
11 to their case. For example, RFP 63, all documents concerning Bitcoin or other
12 cryptocurrency and either Perfect 10 or Norman Zada? Defendants have already
13 stated that they are unaware of any responsive documents. Why are Plaintiffs
14 wasting everyone's time by adding this already-answered request to their motion?
15 Is it because they want this Court to rule in their favor on all these already answered
16 requests and then use that ruling to bias Judge Birotte against Defendants? That's
17 what happened last time. Or RFP 38, "All documents concerning Perfect 10's
18 parent companies, subsidiary companies, affiliated companies, companies under
19 common ownership, predecessors in interest, and successors in interest. Defendants
20 have already stated they are unaware of any responsive documents. It is evident
21 that Plaintiffs have not even bothered to determine if the requests have already been
22 answered. The court should deny all such RFPs and award sanctions to
23 Defendants.

24 The bottom line is this:

25 The documents that Dr. Zada has already produced completely answer RFP
26 13, 15, 16, 17, 18, 20, 22, 39, 41, 42, 45, 47, 49, 50, 52, 53, 57, 58, 59, 67, 69 and
27
28

1 74. When the ordered credit card statements arrive and are produced, RFP 51 and
2 55 will be answered to the best of Dr. Zada's ability.

3 Plaintiffs also improperly ask for documents that Defendants have already
4 asserted simply do not exist. Those requests are RFP 31, 32, 33, 38, 44, 63, and 64.

5 RFP 26, 65, and 68 improperly request communications between Dr. Zada
6 and his tax preparer. If the request was limited to communications related to
7 transferred monies that would be fine, but there are no such communications.

8 RFP 29 and 30 are way too broad and vague. If they were restricted to
9 employment contracts, that would be fine, but there are no such contracts.

10 If RFP 34 were restricted to 2013 and onward, there would be no responsive
11 documents.

12 RFP 60 and 61 are incomprehensible. Dr. Zada has already testified that
13 everything within the safe is his personal property, and has even testified as to the
14 approximate value of those items at his deposition. It is completely unclear as to
15 what Plaintiffs are looking for.

16 RFP 70. Payments made for travel appear on Dr. Zada's credit card
17 statements. He may have some documents regarding the actual trip but of what
18 possible relevance could they be?

19 Based on recent communications between attorneys for Plaintiffs and
20 Defendants, it appears that Plaintiffs intend to take the position that a proper meet
21 and confer on the RFPs took place on June 26. Mickelson Decl. ¶ 2, Ex. 1. We do
22 not see how a brief conversation which happened prior to the production of any
23 documents, let alone *two* productions which included all of Dr. Zada's personal
24 financial documents, could possibly be considered a proper meet and confer,
25 particularly with respect to RFPs that were never mentioned, and have been
26 virtually all answered. Plaintiffs could have drastically reduced the burden on the
27 Court by properly meeting and conferring but chose not to do so. The entirety of
28

1 their motion with respect to their listed RFPs, which were neither identified nor
2 discussed, should be denied for that reason alone.

3 **2. Responses that are incomplete and improperly limit the**
4 **scope of Giganews's requests (RFP Nos. 14, 19, 23)**

5 **Request for Production No. 14**

6 All documents concerning assets in which Perfect 10 has had any actual or
7 contingent legal, beneficial, or equitable interest at any time since January 1, 2011.

8 **Response to Request for Production No. 14**

9 Perfect 10 incorporates the General Objections as set forth above and notes
10 that it has already produced most if not all of the discovery requested (see
11 paragraph 18) herein.

12 Perfect 10 objects to this request on the grounds that it is compound, and also
13 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
14 burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this
15 request as it seeks the disclosure of information protected from discovery by the
16 attorney-client privilege and the attorney work product doctrine. Perfect 10 further
17 objects to this request on the grounds that it seeks information not relevant to the
18 subject matter of the action, and not reasonably calculated to lead to the discovery
19 of admissible evidence.

20 Subject to the above specific objections and Perfect 10's general objections,
21 Perfect 10 responds as follows:

22 Perfect 10 has already produced documents sufficient to identify all such
23 assets, which consist of Perfect 10's bank statements, financial statements, and tax
24 returns, its film library, trademarks, domain names, and model releases. To ask
25 Perfect 10 to search for more related documents (such as emails detailing film
26 purchases, or communications with models) that will not add anything is
27 completely unreasonable and onerous.
28

1 **Request for Production No. 19**

2 All documents concerning accounts of, or for the benefit of, Perfect 10.

3 **Response to Request for Production No. 19**

4 Perfect 10 incorporates the General Objections as set forth above and notes
5 that it has already produced most if not all of the discovery requested (see
6 paragraph 18) herein.

7 Perfect 10 objects to this request on the grounds that it is compound, and also
8 vague and ambiguous. Perfect 10 objects to this request on the grounds that it is
9 burdensome, wildly oppressive and vastly overbroad, as it is unlimited as to time.
10 Perfect 10 further objects to this request as it seeks the disclosure of information
11 protected from discovery by the attorney-client privilege and the attorney work
12 product doctrine. Perfect 10 further objects to this request on the grounds that it
13 seeks information not relevant to the subject matter of the action, and not
14 reasonably calculated to lead to the discovery of admissible evidence. Perfect 10
15 objects to this request on the grounds that it is indefinite as to time, and covers
16 documents from years ago that are irrelevant.

17 Subject to the above specific objections and Perfect 10's general objections,
18 Perfect 10 responds as follows: Plaintiffs are already in possession of Perfect 10's
19 bank statements, financial statements, and tax returns, from at least 2014 going
20 back to inception in 1996. Perfect 10 will produce tax returns and bank statements
21 that may not be in Plaintiffs possession. Perfect 10 is not aware of any other
22 documents that would shed additional light on Perfect 10's holdings.

23 **Request for Production No. 23**

24 All documents concerning all contracts or agreements for the benefit of
25 Perfect 10, in the possession of Perfect 10, or to which Perfect 10 is or ever has
26 been a party, a beneficiary, a successor in interest, or a predecessor in interest.

Response to Request for Production No. 23

Perfect 10 incorporates the General Objections as set forth above and notes that it has already produced most if not all of the discovery requested (see paragraph 18) herein.

Perfect 10 objects to this request on the grounds that it is compound, and also vague and ambiguous. Perfect 10 objects to this request on the grounds that it is burdensome, oppressive and vastly overbroad. Perfect 10 further objects to this request as it seeks the disclosure of information protected from discovery by the attorney-client privilege and the attorney work product doctrine. Perfect 10 further objects to this request on the grounds that it seeks information not relevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence. Perfect 10 objects to this request on the grounds that it is indefinite as to time, and covers documents from years ago that are irrelevant.

Subject to the above specific objections and Perfect 10's general objections, Perfect 10 responds as follows: Plaintiffs are already in possession of Perfect 10's bank statements, financial statements, and tax returns, from at least 2014 going back to inception in 1996, as well as contracts with third parties. Perfect 10 will produce tax returns and bank statements that may not be in Plaintiffs possession. Perfect 10 is not aware of any other documents that would shed additional light on Perfect 10's agreements that have not already been produced.

Giganews and Livewire's Position

The responses in this group improperly limit the scope of Giganews's requests. Defendants claim that certain unspecified documents (bank statements, financial statements, and tax returns from "at least" 1996 to 2014) are already in Plaintiffs' possession and that Defendants are "not aware of any other documents that would shed additional light on Perfect 10's [holdings or agreements]." But the characterization of what provides "additional light" leaves too much to Defendants'

1 self-serving whims. The requests seek *all documents* concerning “accounts of, or
2 for the benefit of Perfect 10,” “Perfect 10’s finances and financial statements”
3 generally, and “contracts” concerning Perfect 10. Each is plainly relevant to
4 Perfect 10’s financial position during the time of the transfers through the present
5 (*see* Order at 1), and Plaintiffs are entitled to all responsive documents.

6 In addition, certain summaries Defendants have already produced in this case
7 display troubling inaccuracies and discrepancies. For example, Exhibit E to the
8 Gregorian Declaration is a spreadsheet list of transfers between Zada and Perfect 10
9 that Zada prepared. The spreadsheet reflects a transfer of \$50,000 to Perfect 10,
10 while Perfect 10’s bank records for that date reflect an incoming debit of only
11 \$40,000. Gregorian Decl. ¶¶ 8–9, Exs. F, G. To avoid these kinds of
12 inconsistencies, it is necessary to review the underlying documents, not those Zada
13 believes “shed light” on relevant information. *See* Hearing Transcript at 25:12–20.

14 **Defendants’ Position**

15 As noted above, all documents concerning all of Perfect 10’s assets have
16 been produced. As the response notes, there are no documents (other than those
17 already produced previously to Plaintiffs) regarding Perfect 10’s contractual
18 relationships. Defendants did not amend their response to RFP 23 because there is
19 nothing to add. Mickelson Decl. ¶ 3, Exs. 4-5.

20 Perfect 10’s tax returns and Defendants interrogatory responses, have made
21 very clear what Perfect 10’s assets have been. There is nothing else to add.
22 Plaintiffs are correct that Defendants made a \$10,000 mistake in one its
23 spreadsheets. They were able to spot this error because they already have the
24 underlying documents. We don’t have anything else responsive to produce, nor
25 have Plaintiffs provided any evidence that anything is missing.

1 **3. Defendants must provide a privilege log for any documents**
2 **they withhold on the basis of any privilege (All RFPs)**

3 **Giganews's and Livewire's Position**

4 Defendants have interposed privilege objections to most of the requests for
5 production, including objections based on the attorney-client privilege and attorney
6 work-product doctrine. If Defendants are withholding or expect to withhold any
7 responsive documents on privilege or protection grounds, the Federal Rules require
8 them to “describe the nature of the documents, communications or tangible things
9 not produced or disclosed—and do so in a manner that, without revealing
10 information itself privileged or protected, will enable other parties to assess the
11 claim.” Fed. R. Civ. P. 26(b)(5)(A)(ii). Giganews and Livewire therefore also
12 move the Court to compel Defendants’ production of a privilege log within 14 days
13 of the hearing on this motion if they claim to stand on any objection related to a
14 privilege or protection.

15 **Defendants’ Position**

16 Defendants interposed the attorney-client privilege and attorney work
17 product privilege objections purely as a prophylactic, in case the term “documents”
18 could be interpreted to mean written communications between Defendants and their
19 current counsel of record (Matthew Mickelson) and consulting attorney (Eric
20 Benick) which discusses the particular issues, materials or documents mentioned in
21 the request for production. All such communications to which the privilege would
22 be invoked (to the extent any such exist) would solely be amongst those
23 individuals; would not have been shared or disclosed to any other individuals; and
24 would be limited in time from November 2015 onward, the date Mr. Mickelson
25 first began representing Defendants.

26 The privilege is not being invoked to protect any other possible documents.

27 A privilege log exists only to enable an opposing party to gauge whether or
28 not a particular document is or is not privileged. In a situation where the only

1 documents being withheld are communications between attorneys representing a
2 party commenting on or discussing non-privileged documents – and shared with no
3 others – than the attorney-client privilege or work product privilege undisputedly
4 obtains. The information provided above is sufficient to establish on a prima facie
5 basis the existence of the attorney-client privilege. Given that a prototypical
6 privilege log is not required in every case (*see In re Grand Jury Investigation* (9th
7 Cir. 1992) 974 F.2d 1068, 1071), requiring a current attorney of record to log
8 several years of e-mail correspondence with a client (hundreds if not thousands of
9 e-mails) – which was not shared with any other non-lawyers not working for
10 Defendants and concerns the day-to-day work on a pending case -- would be highly
11 inappropriate, harassing, and burdensome in the extreme.

12 Moreover, there was also no meet and confer on this issue, and there was an
13 agreement in the Related Case not to require privilege logs, to the best of Dr.
14 Zada's recollection. Zada Decl. ¶ 6.

15 We believe that Plaintiffs are seeking a privilege log solely to place an
16 enormous burden on Defendants for no good reason, in the hopes of once again
17 generating a discovery dispute to use to further poison Judge Birotte against
18 Defendants. It is very easy for Plaintiffs to suggest that Defendants provide a
19 privilege log when Defendants are the only ones who have produced documents.
20 Plaintiffs have produced none. Defendants respectfully request that if the Court
21 orders a substantive privilege log, that it be precisely described, so that there can be
22 no uncertainty as to what documents it covers, and that it not cover emails between
23 Perfect 10 and its attorneys, or attorney-client work product, and that if the Court
24 orders that such a substantive log be created, that Plaintiffs pay for it.

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1 **III. PLAINTIFFS' MOTION TO COMPEL FURTHER DEPOSITION**
2 **TESTIMONY OF NORMAN ZADA AND PERFECT 10.**

3 **Giganews and Livewire's Position**

4 Plaintiffs also request an order compelling Norman Zada to appear for a
5 further questioning both in his individual capacity and as corporate representative
6 of Perfect 10. Mr. Zada sat for a deposition on July 11, 2018, during which he gave
7 testimony in both capacities. Gregorian Decl. ¶¶ 10–13, Exs. H–K. Plaintiffs
8 agreed to have the depositions run concurrently on the condition that Perfect 10
9 designate Zada on all topics in the 30(b)(6) notice, and Plaintiffs reserved the right
10 to seek additional time, up to the full allotment for the two depositions, if
11 necessary. Gregorian Decl. ¶ 10, Ex. H.

12 Mr. Zada refused to answer questions he considered “private,” particularly
13 questions that sought information about his assets and liabilities. Zada Depo at
14 33:25–34:11, 50:21–53:7, 77:11–81:2, 82:20–112:21, 186:24–188:24, 261:4–8.
15 The Court has since overruled this privacy objection. *See*, Order at 1; Hearing
16 Transcript at 7:7–13, 18:2–16, 19:15–20, 20:12–21:2, 25:12–20, 28:13–17. Courts
17 properly grant additional deposition time where a deponent “had no privilege
18 protecting the information sought, and thus must have answered the questions
19 posed.” *Amy v. Kennedy*, Nos. C13-17 RAJ, C13-762 RAJ, 2014 WL 4717800, at
20 *5 (W.D. Wash. Sept. 22, 2014) (overruling privacy and relevance objections and
21 ordering testimony on assets and other topics). For this reason alone, the Court
22 should grant leave to depose Mr. Zada on those topics.

23 Mr. Zada also wasted significant time on the record. He was nearly an hour
24 late for his deposition. Gregorian Decl. ¶ 13, Exs. I, J; Zada Depo at 2:16–22. He
25 also provided non-responsive answers to a host of questions. Instead, he
26 complained about Perfect 10's loss in the copyright case, insulted and accused
27 Plaintiffs and their counsel of misconduct, and insisted that counsel answer *his*
28 questions. For example:

1 Q Were you taking out a mortgage—well, let’s stick with home
2 improvements. Were there any home improvements that you
3 were contemplating in January—

4 A Look, as I told you before, the probability that I wrote this thing
5 is virtually zero because I would not put home improvements
6 on there.

7 Q I didn’t ask you whether you wrote it. I asked you whether
8 there were home improvements or upgrades you were
9 contemplating—

10 A I was taking out the money to have flexibility because I was not
11 sure what was going to happen, and I realized I might need to
12 have a bunch of money either to invest or for some other
13 reasons.

14 Q Sure. And—

15 A And I object to your trying to paint me as some sort of criminal.
16 Your clients are the criminals. Okay. I have done nothing
17 wrong except unfortunately rely on a justice system which is
18 completely manipulated by your buddy over here, Mr. Bridges,
19 and you. And you have been systematically filing false and
20 misleading statements in front of the Court, and I’m tired of it.
21 Okay. So you want to keep asking these questions. I’ll keep
22 responding by saying, I am way more honest than you and your
23 buddy over there, and I didn’t do anything wrong here, and I
24 know where this home improvements came from, but the
25 investment purposes certainly was legitimate.

26 Zada Depo at 184:25–186:2.

27 Q Outside the context of this case—
28

1 A There was no sanctionable conduct. There was no finding of
2 sanctionable conduct on my part. You guys perpetrated a fraud
3 on the Court. I can prove it. You guys are—even now when
4 you make statements like Zada has been involved in discovery
5 misconduct for ten years, that’s sanctionable conduct. You’re
6 an officer of the court. I’d like to know what evidence you
7 have that I’ve been involved in legal misconduct for ten years.
8 I’m serious about this.

9 MR. MICKELSON: You’ve said that already.

10 THE WITNESS: Yeah, I know that. But I’m tired of
11 this guy. This guy is a professional criminal. This guy is lying,
12 and he consistently lies and he’s been trained to put lies into his
13 pleadings because somehow that helps him in his cases.

14 I’m asking you: Where is the evidence that I’ve been
15 involved—you published—this is a defamatory statement about
16 me. And you’re publishing in a public record. I am
17 challenging you. What is your evidence that I have been
18 involved in legal misconduct for ten years?

19 *Id.* at 265:22–266:19. Excerpts showing numerous other similar responses are
20 attached to the Gregorian Declaration. *See* Zada Depo at 99:7–100:4, 180:17–20,
21 184:25–186:2, 264:8–267:17.

22 The videographer’s time markers indicate that Mr. Zada sat for
23 approximately six hours on the record. Gregorian Decl. ¶¶ 15–16. Plaintiffs
24 estimate that Mr. Zada and his counsel wasted an hour on the record with the
25 conduct described above. *Id.* ¶ 15; Zada Depo generally. For these reasons,
26 Plaintiffs ask that the Court grant leave to take four additional hours of testimony
27 (two for Zada, two for Perfect 10) and that the Court order Defendants to pay the
28

1 expenses (court reporter, videographer, and location fee) for the additional
2 testimony directly to the vendors.

3 **Defendants' Position**

4 Plaintiffs request to yet again drag Dr. Zada into a deposition would be silly
5 if it wasn't so abusive. Plaintiffs have already deposed Dr. Zada multiple times, for
6 at least three days in the related case, and one more time for his debtor examination,
7 and now they are trying to depose him twice more. Zada Decl. ¶ 6.

8 The seven hour limit for depositions is not to be tossed aside lightly.
9 (*Roberson v. Bair* (D DC 2007) 242 FRD 130, 138 [extensions of 7-hour limit
10 should be exception, not rule].) Indeed, some courts refuse to consider a request for
11 additional time until the first seven hours have been exhausted. (See *Malec v.*
12 *Trustees of Boston College* (D MA 2002) 208 FRD 23, 24.)

13 Plaintiffs here are asking for additional time to conduct the deposition when
14 they admit they didn't even use up the entire seven hours of allotted time, ending
15 their examination after only six hours. The fact that Dr. Zada arrived forty-five
16 minutes late is of no moment; Defendants never asked to cut the time short because
17 of the later time, and would have sat for the entire 7 hours if asked to. Moreover,
18 Plaintiffs ignore the fact that they wasted a minimum of 45 minutes of time in
19 breaks and conferences among the three lawyers who attended the deposition for
20 the Plaintiffs, which Dr. Zada noted on the record during the deposition.

21 Plaintiffs contend that Dr. Zada refused to answer questions regarding his
22 assets at 33:25–34:11, 50:21–53:7, 77:11–81:2, 82:20–112:21, 186:24–188:24,
23 261:4–8. In fact, he did answer most questions. At 33:25-34:11, Plaintiffs ask Dr.
24 Zada how he spends his day. At 50-21-53:7, Plaintiffs ask about communications
25 Dr. Zada had with his tax preparer. At 77:11-81:2, Dr. Zada did identify where he
26 kept his personal money.

1 Plaintiffs have omitted from the 61 pages that they complain about, all the
2 pages where Dr. Zada discussed the physical assets they complain about. Zada
3 Decl. ¶ 3.

4 More importantly, as discussed above, Dr. Zada has provided all statements
5 for all of his accounts from 2013 to 2018. Zada Decl. ¶ 2, Ex. 1. All of Plaintiffs'
6 questions regarding Dr. Zada's personal financial assets have thus been answered
7 completely and in full. So Plaintiffs are citing to a portion of his deposition where
8 he occasionally refused to answer questions or provide documents on the basis of a
9 privacy objection but has since provided those documents.

10 Finally, Plaintiffs request that Dr. Zada, pay for the additional hours, is
11 ridiculous, particularly when Plaintiffs have made hundreds of millions by not
12 paying copyright holders for the use of their works, while Dr. Zada lost most of the
13 money he had in the world in the related case.

14 **IV. CONCLUSIONS**

15 **Giganeews and Livewire's Conclusion**

16 Even after the Court's guidance, Perfect 10 and Norman Zada still hide
17 relevant information from discovery. Mr. Zada also disrupted his deposition and
18 improperly refused to answer questions. For the reasons set forth above, Giganeews
19 and Livewire respectfully request that the Court grant the motion and enter an order
20 in the form they have submitted.

21 **Perfect 10's, Zada's Conclusion**

22 It is Defendants' belief that Plaintiffs have filed this joint stipulation, not
23 because they need any additional discovery, but as part of a plan to so poison Judge
24 Birotte's mind that they win the case that way. That is why they filed this motion
25 without meeting and conferring, and even though they have every imaginable
26 personal financial document of Dr. Zada's, from 2013 through 2018. We predict
27 that if the Court grants any meaningful portion of Plaintiffs' proposed order, that
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1 Plaintiffs will come back and claim that Defendants failed to comply, and seek
2 sanctions, regardless of how complete Defendants production is. They did the same
3 thing last time, with incredible success. As a result, a company that had been
4 creating copyrighted works for 18 years, was bankrupted.

5 Plaintiffs' clearly have no respect for the Court's limited resources, the rules,
6 or the truth. They have failed to properly meet and confer. They ignored
7 Defendants vast production and amended responses which make their motion moot.
8 In addition, Plaintiffs have made multiple demonstrably false statements. For
9 example, in their introduction, they have claimed that "Defendants largely ignored
10 the Court's guidance and made a minimal production in response to its order," and
11 "Defendants have persistently refused to provide all documents regarding funds and
12 assets that are nominally Zada's despite the Court's clear instructions." In their
13 next section, they falsely state that "Mr. Zada's responses specifically acknowledge
14 the existence of assets that he has not identified, and he commits to produce only
15 documents 'sufficient to show' information for specific accounts in 2015."
16 Plaintiffs also falsely contend that "Perfect 10 and Norman Zada still hide relevant
17 information from discovery." However, they provide no examples. This is an
18 improper smear campaign that needs to stop. Plaintiffs are taking advantage of the
19 fact that judges have to assume that attorneys are telling them the truth to avoid
20 complete chaos. Plaintiffs' attorneys are not.

21 Dr. Zada went out his way to more than comply with the Court's July 19
22 order, which only required him to produce documents relating to his and Perfect
23 10's liabilities. Instead, by August 1, he produced virtually everything from 2013
24 onward, all bank and brokerage statements through 2018, all banking reconciliation
25 documents that he could locate, all quick books files that he could locate, all tax
26 returns and most credit card statements. He is awaiting the final batch of credit
27 card statements which will be produced when they arrive. Perfect 10 had already
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1 produced all tax returns, financial reports, quick books files and banking statements
2 since inception.

3 Plaintiffs have clearly not met and conferred with respect to any requests for
4 production, a privilege log, or a further deposition of Dr. Zada. Furthermore, they
5 have failed to give any explanation as to why any additional documents should be
6 produced, or what does documents are. There is no legal precedent for an order
7 that requires that documents be produced simply because a privacy objection was
8 made. There must be a legitimate basis for the request and Plaintiffs have provided
9 any.

10 Finally, Plaintiffs have no basis to seek a second deposition of Dr. Zada
11 when they were the ones who ended the deposition early. Asking Dr. Zada to pay
12 for such a deposition is preposterous, particularly when Defendants were denied the
13 opportunity to depose the one person they needed to depose, the CEO of Giganews.

14 Defendants respectfully request that the Court deny all of Plaintiffs motion
15 and even award sanctions for making untruthful statements to the Court if it
16 believes they are warranted. Whatever the Court does, Defendants respectfully
17 request that at the minimum the Court not issue an order which makes it appear that
18 Defendants were remiss in their discovery obligations, which Plaintiffs can then use
19 to further poison Judge Birotte against Defendants. We would respectfully ask the
20 Court to make clear in any order favoring Plaintiffs, that Dr. Zada more than
21 complied with this Court's July 19 order.

22
23 Dated: August 20, 2018 FENWICK & WEST LLP

24
25 By: /s/Todd R. Gregorian
26 Todd R. Gregorian

27 Attorneys for Plaintiffs,
28 GIGANEWS, INC. and LIVEWIRE, INC.

1 Dated: August 20, 2018

LAW OFFICES OF MATTHEW C. MICKELSON

2 By: /s/Matthew C. Mickelson
3 Matthew C. Mickelson

4 Attorneys for Defendants,
5 PERFECT 10, INC. and NORMAN ZADA
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9 **ATTESTATION OF SIGNATURES**

10 I hereby attest that the concurrence in the filing of this document has been
11 obtained from the signatory indicated by a “conformed” signature (/s/) within this
12 e-filed document.

13 By: /s/Todd R. Gregorian
14 Todd R. Gregorian
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